

**24088. Misbranding of sarsaparilla compound, alkaline elixir, celery and iron tonic, bronchial remedy, eczema ointment, elixir tonsillitis, blood purifier, eczema lotion, diuretic elixir, Exeme, and analgesic balm. U. S. v. 36 Bottles of Sarsaparilla Compound, et al. Default decrees of condemnation and destruction. (F. & D. nos. 33521 to 33531, incl. Sample nos. 2912-B, 2913-B, 2914-B, 2916-B, 2919-B, 2920-B, 2922-B to 2926-B, incl.)**

These cases involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims appearing in the labeling. Certain of the products were further misbranded in the following respects: The sarsaparilla compound, the celery and iron tonic, and the blood purifier were labeled to convey the impression that their principle physiological activity would result from certain vegetable ingredients which were emphasized on the labels, whereas their activity would result primarily from mineral drugs; the sarsaparilla compound and the blood purifier contained laxative drugs which were not mentioned in the list of ingredients; the alkaline elixir contained alcohol which was not declared on the label; the eczema lotion and the diuretic elixir contained alcohol which was not correctly and conspicuously declared; and the Exeme did not possess the sterilizing properties claimed.

On September 25, 1934, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of various quantities of the above drug preparations at Cincinnati, Ohio, alleging that the articles had been shipped in interstate commerce between the dates of February 8, 1934, and June 29, 1934, by the De Pree Co., from Holland, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses by this Department showed that the sarsaparilla compound consisted essentially of potassium iodide (0.83 gram per 100 milliliters), extracts of plant drugs including a laxative drug, a small proportion of benzoic acid, alcohol, and water; that the alkaline elixir consisted essentially of sodium and potassium salts, a small proportion of benzoic acid, alcohol (0.9 percent), and water; that the celery and iron tonic consisted essentially of iron and ammonium citrate (2.8 grams per 100 milliliters), extracts of plant drugs including celery, sugar, alcohol, and water; that the bronchial remedy consisted essentially of small proportions of sodium and potassium sulphates, benzaldehyde, a trace of benzoic acid, sugar, alcohol and water; that the eczema ointment contained zinc oxide (6.6 percent) and creosote incorporated in petrolatum; that the Elixir Tonsillitis contained per 100 milliliters; Ammonium chloride (0.8 gram), ferric chloride (1.6 grams), sodium chloride (0.5 gram), glycerin, and water; that the Blood Purifier consisted essentially of potassium iodide (0.96 gram per 100 milliliters), extracts of plant drugs including a laxative drug, alcohol, sugar, and water; that the eczema lotion consisted essentially of phenol (0.3 gram per 100 milliliters), alcohol (42.5 percent), and water; that the diuretic elixir consisted essentially of extracts of plant drugs such as uvaursi and buchu, juniper oil, potassium acetate, sugar, alcohol, and water; that the Exeme consisted essentially of iodine (0.03 percent) dissolved in mineral oil (bacteriological examination showed that it was not antiseptic); and that the analgesic balm consisted essentially of chlorbutanol (0.8 percent) and volatile oils including methyl salicylate and peppermint oil (15 percent), incorporated in a mixture of petrolatum and fat.

The articles were alleged to be misbranded in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Sarsaparilla compound) "An Effective Remedy Recommended When a Blood Purifier or General \* \* \* Tonic is Needed Nurse Brand Sarsaparilla Compound combines the medicinal virtues of a number of roots and herbs that are noted for their action in purifying the blood and cleansing the system of impurities. These impurities usually manifest themselves in skin troubles such as Boils, Blotches; or in Sluggishness of the Liver with resultant \* \* \* General Listlessness and Depressed Feeling. Sarsaparilla Compound stimulates the functional activities of the system and is valuable as an invigorating tonic as well as a Blood Purifier. As its name implies, the base of this preparation is the purest Honduras Sarsaparilla Root, well known for its purifying action on the blood. This combination has a direct alterative action on the blood, cleansing it of impurities and forming a valuable general Tonic for the system"; (alkaline elixir) "\* \* \* tends to restore the alkalinity of the system necessary to perfect health For the Treatment of Acid Conditions of the System Nurse Brand Alkaline Elixir is recommended for the correction and prevention of ailments arising from acid.

conditions such as Rheumatic affections, uric acid diathesis, Gout \* \* \* Joint Infections, Inflammation, and Auto-intoxication"; (celery and iron tonic) "Celery and Iron Tonic A Tonic for the Nerves, Blood and General System Nurse Brand Celery and Iron Tonic is designed to vitalize the nerve Centers, and to enrich the Blood by supplying iron (the element that produces red corpuscles) This combination is peculiarly adapted to give tone and vitality to the nervous system and to add strength and richness to the blood by increasing the red blood corpuscles It is recommended as a general tonic for the nervous system, for nervous depression, lack of vitality, anaemic conditions, loss of energy, listlessness, and similar conditions"; (bronchial remedy, bottle) "Bronchial Remedy for Persistent Coughs \* \* \* This remedy is designed to give permanent relief"; (carton) "Bronchial Remedy especially intended for the treatment of Persistent Coughs. It is of peculiar value in the treatment of stubborn coughs following colds \* \* \* coughs which will not yield to ordinary remedies San Tox Bronchial Remedy seldom fails to give relief, even in obstinate cases, \* \* \* Bronchial Remedy"; (eczema ointment, jar) "Eczema Ointment for the Treatment of Eruptions and Skin Diseases. \* \* \* "Eczema Ointment"; (carton) "Eczema Ointment For the treatment of Eczema, Salt Rheum \* \* \* Tetter Ring Worm Pimples and other affections of the skin. Also useful in scalp diseases \* \* \* healing ointment possessing marked remedial properties when used in the treatment of eruptive and inflamed conditions of the skin"; (elixir tonsillitis) "Elixir Tonsillitis Minor Cases of \* \* \* Quinsy, Following Head Colds"; (blood purifier) "Blood Purifier \* \* \* A Reliable Blood Purifier \* \* \* Nurse Brand Blood Purifier is a concentrated Extract of well known roots and barks noted for their alterative and tonic action upon the blood and liver, and thus the entire system. The formula includes iodide of potash, a powerful agent in removing impurities from the blood \* \* \* Nurse Brand Blood Purifier is valuable \* \* \* in treating disorders arising from a sluggish liver and in skin affections resulting from impure blood,—the symptoms usually being Listlessness, Lack of Energy, Coated Tongue, Boils, Pimples and Blotches"; (eczema lotion) "Eczema Lotion \* \* \* healing lotion for the treatment of eruptive and inflamed conditions of the skin and scalp such as Eczema, \* \* \* Salt Rheum, Pimples, Tetter, and Ring Worm Also valuable in treating diseases of the scalp"; (diuretic elixir) " \* \* \* proven value in the treatment of disorders of the Kidneys and Bladder. The usual symptoms of such disorders are Pains and Weakness in the Back, insufficient secretion of urine, \* \* \* or scalding, burning, suppression or discoloration of the urine. This remedy is designed to regulate and assist the Kidneys and Bladder in performing their functions and to aid in the elimination of poisons and waste matter from the urinary tract. For the Treatment of Kidney, Bladder and Urinary Distorders"; (Exeme) "Exeme A Treatment for the relief of many forms of Eczema"; (analgesic balm, bottle and carton) "Devoted to the Relief of Pain \* \* \* for the relief of pain in \* \* \* migraine, Rheumatism, Lumbago \* \* \* etc."; (circular) " \* \* \* when applied locally, will alleviate pain. \* \* \* For the immediate relief of \* \* \* Rheumatism, Neuritis, Lumbago, Sciatica, \* \* \* etc., it is invaluable. \* \* \* For minor surface pains and aches, only a small amount of balm and light rubbing is necessary, but for more deep seated, severe disorders a more liberal portion applied with gentle, more prolonged massaging will invariably result in completely dispelling the pain, temporarily, if not always permanently \* \* \* aching feet \* \* \* bunions \* \* \* are greatly relieved." Misbranding of the sarsaparilla compound was alleged for the further reason that the following statements appearing in the labeling, "Sarsaparilla Compound", "Nurse Brand Sarsaparilla Compound combines the medicinal virtues of a number of roots and herbs" and "As its name implies, the base of this preparation is the purest Honduras Sarsaparilla Root \* \* \* In addition, the formula contains such ingredients as Red Clover, Sassafras, Dandelion, Burdock, and Potassium Iodide", were false and misleading since the ingredient upon which the physiological effects of the article principally depended was not sarsaparilla, but was potassium iodide, and the product contained a laxative drug not mentioned in the list of ingredients. Misbranding of the celery and iron tonic was alleged for the further reason that the statement on the label, "Celery and Iron Tonic", was false and misleading since its tonic properties were due solely to its iron content and in no degree due to its content

of celery. Misbranding of the blood purifier was alleged for the further reason that the following statements appearing on the bottle label, "Nurse Brand Blood Purifier is a concentrated Extract of well known roots and barks \* \* \* Nurse Brand Blood Purifier combines the powerful tonic and alterative virtues of the following ingredients: Honduras Sarsaparilla, Dandelion Root, Burdock Root, Red Clover Tops, Potassium Iodide", were false and misleading since the product contained a laxative plant drug not mentioned among the ingredients on the label, and potassium iodide, a mineral drug. Misbranding of Exeme was alleged for the further reason that the statement on the carton, "The action of Exeme is to Sterilize the Affected Parts", was false and misleading. Misbranding of the alkaline elixir, eczema lotion, and diuretic elixir was alleged for the further reason that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained in the articles since in the case of the alkaline elixir no declaration of alcohol appeared; in the case of the eczema lotion the declaration was incorrect and was inconspicuously made; and in the case of the diuretic elixir the declaration was inconspicuously placed on the side panel of the label.

On November 9, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24089. Misbranding of Oxidine. U. S. v. 141 Packages of Oxidine. Default decree of condemnation and destruction. (F. & D. no. 33532. Sample no. 11340-B.)**

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and because it was represented to contain no harmful drugs, analysis having shown that it contained drugs that might be harmful.

On September 24, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 packages of Oxidine at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 25, 1934, by the Dr. W. A. Link Medicine Co., from Dallas, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Oxidine \* \* \* Manufactured only by W. S. Kirby Co. Dallas, Texas."

Analysis showed that the article consisted essentially of cinchona alkaloids (4.1 grains per fluid ounce), an iron compound, a laxative plant drug extract, sugar, and water.

The article was alleged to be misbranded in that the statement on the carton in Spanish, "Does not contain harmful drugs" and the statement on the label, "Contains no \* \* \* Harmful Drugs", were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Carton, in Spanish) "\* \* \* acts on the liver and is helpful to the organism"; (large circular) "For Health"; (small circular) "\* \* \* has guarded the lives of thousands of men, women and children against disease. Take Oxidine for \* \* \* Tired feeling Pains in the back Purifying your blood Flu and LaGrippe Regulating your liver Dull feeling in the head Sleeplessness Bad taste in your mouth Headaches and Neuralgia \* \* \* an effective remedy for \* \* \* La Grippe \* \* \* and system builder. [testimonials in small circular] '\* \* \* I have never had the Flu. Now, just why I have never had the Flu I have not the slightest idea, unless it is because a bottle of Oxidine and myself have been consistent and inseparable companions for the past twenty-five years. \* \* \* I take for granted that it is good for most everything; for headache, \* \* \* for biliousness, \* \* \* for La Grippe. I take Oxidine and enjoy most instant relief'; 'We can cheerfully recommend "Oxidine" to anyone who is suffering from \* \* \* loss of blood. This is the finest blood medicine we ever saw.'

On November 15, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*