24101. Adulteration and misbranding of boric acid. U. S. v. Charles Crompton & Sons, Inc. Plea of nolo contendere. Fine, $10. (F. & D. no. 33800. Sample nos. 46983–A, 58032–A.)

This case was based on a shipment of boric acid which was misbranded because of unwarranted antiseptic claims in the labeling and because the packages contained less than the declared weight.

On November 7, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Crompton & Sons, Inc., Lynn, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 14, 1933, from the State of Massachusetts into the State of Rhode Island, of a quantity of boric acid which was adulterated and misbranded. The article was labeled in part: "Crompton's Boric Acid Contents 3 Ozs. * * * Packed By Chas. Crompton & Sons, Inc. Lynn, Mass. * * * As an Antiseptic Wash or Douche Dissolve one tablespoonful in a pint of (warm) water."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an antiseptic wash or douche when used as directed; whereas it was not an antiseptic wash or douche when used as directed.

Misbranding was alleged for the reason that the statements, "Contents 3 Ozs." and "As an Antiseptic Wash or Douche Dissolve one tablespoonful in a pint of (warm) water", borne on the label, were false and misleading, since the packages contained less than 3 ounces and since the article was not an antiseptic wash or douche when used as directed.

On December 10, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $10.

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

24102. Misbranding of Herb-Nu Tonic. U. S. v. S-M-S Laboratories, Inc., Helen Schymanski, Edwin B. Becker, and (Dr.) Peter B. Schyman. Pleas of guilty. Fines, $50. (F. & D. no. 33823. Sample no. 56302–A.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling.

On December 14, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the S-M-S Laboratories, Inc., Chicago, Ill., and Helen Schymanski, Edwin B. Becker, and (Dr.) Peter B. Schyman, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about June 27, 1933, from the State of Illinois into the State of Louisiana of a quantity of Herb-Nu Tonic which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including a laxative drug, glycerin, and water.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the bottle labels and cartons, falsely and fraudulently represented that it was effective as a tonic; and effective as an "all 'round tonic," cleanser, purifier, regulator, neutralizer, nourisher, and eliminator; effective to restore and retain health; effective to insure activity, enjoyment of life, vigor, and vim; effective as a preventative, treatment, remedy, and cure for a great many different ailments; effective to cure disease; effective as a remedy "of God and Nature"; effective as a remedy for sick people, young or old, middle-aged and elderly; effective to regulate, invigorate, purify, strengthen, and heal; effective as a treatment remedy, and cure for ailments of the stomach, kidney, liver, and gall bladder; effective as a hepatic and blood alterative; effective to insure beneficial tonic actions; effective to keep the stomach, liver, and bowels clean and working properly, and to prevent almost every ailment known; effective to prevent poor elimination, constipation, bad blood, secondary body poisons, acids, catarrhs, "Flems", and mucus; rheumatism, neuritis, chills, all sufferings and ailments; trouble in the eyes, stomach, liver, bowels, arms, legs, heart, brain or any other organ or part.

On December 20, 1934, the defendants entered pleas of guilty and the court imposed fines in the total amount of $50.

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