

increasing fatigue resistance, restoring recuperative powers, refreshing, stimulating, and protecting.

On July 13, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

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

**23255. Misbranding of Trunk's Prescription (Liquid). U. S. v. 15 Bottles of Trunk's Prescription (Liquid.) Default decree of condemnation and destruction.** (F. & D. no. 32841. Sample no. 71251-A.)

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims. The product was represented to be harmless, whereas it contained ingredients that might be harmful if used continually in accordance with directions on the label.

On June 18, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of Trunk's Prescription (Liquid) at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about October 17, 1933, by Trunk Bros. Drug Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide (2.7 grams per 100 milliliters), extracts of plant drugs including colchicum and a laxative drug, alcohol, and water.

The article was alleged to be misbranded in that the following statements on the labeling were false and misleading: (Carton) "It cannot harm you if you will follow directions"; (circular) "This prescription does not ruin the stomach \* \* \* it cannot harm the stomach." Misbranding was alleged for the further reason that the following statements on the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton) "We recommend this prescription as a general \* \* \* tonic and in the treatment of such forms of rheumatism and skin diseases as arise from a deranged condition of the blood. \* \* \* Trunk's Adecta Liniment is recommended for local application, especially in conjunction with Trunk's Liquid Prescription in the treatment of rheumatism"; (circular) "Eat all the meat and all the good food you desire, avoiding only acids, such as lemons and vinegar. [User would be led to believe by this statement that he could eat all foods except acids such as lemons and vinegar without fear of any harmful results when taking this medicine.]"; (bottle) "We recommend this prescription as a general \* \* \* skin tonic and in the treatment of such forms of rheumatism and skin diseases as arise from a deranged condition of the blood. \* \* \* Trunk's Liquid Prescription is recommended by us, especially in conjunction with Trunk's Adecta Liniment, in the treatment of the various forms of rheumatism."

On September 4, 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.*

**23256. Adulteration and misbranding of whisky. U. S. v. 435 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 32854, 33047, 33238, 33251. Sample nos. 56573-A, 56574-A, 70168-A, 557-B, 4681-B.)

These cases involved a product sold as whisky for medicinal purposes. Examination showed that it fell below the requirements of the United States Pharmacopoeia; that it failed to bear a statement on the label of the percentage of alcohol by volume; and that the bottles contained less than the declared volume.

On June 12, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases and 31 bottles of whisky at Minneapolis, Minn. On July 5, August 10, and August 13, 1934, libels were filed against 101 cases, 141 cases, and 60 cases of whisky, at New York, N. Y., Los Angeles, Calif., and Washington, D. C., respectively. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about January 12, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., into the State of New York, and in part on or about January 29, February 3, and February 26, by the Mission Dry Corporation, from New York, N. Y., into the States of Minnesota and California, and the District of Columbia,

and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Old Mission A Blend of Whiskies Blended by Brown-Forman Distillery Co., Louisville, Ky., for Mission Dry Corporation, New York."

It was alleged in the labels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements on the labels, "For Medicinal Purposes Only", "Contents 1 Pint or 16 Ounces", "Contents 1 Quart or 32 Ounces", were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On June 19, July 25, and September 25, 1934, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of bonds conditioned that it be relabeled under the supervision of this Department.

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

**23257. Misbranding of extract of witch-hazel, Chesto, Lightning-Lax Pills, and aspirin tablets. U. S. v. Muir Laboratories. Plea of nolo contendere. Fine, \$200. (F. & D. no. 32880. Sample nos. 50373-A, 50383-A, 50387-A.)**

This case was based on interstate shipments of drugs and drug preparations, the labeling of which contained unwarranted curative and therapeutic claims.

On September 20, 1934, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Muir Laboratories, a corporation, Grand Rapids, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 24 and October 31, 1933, from the State of Michigan into the State of Ohio, of quantities of extract of witch-hazel, Chesto, Lightning-Lax Pills, and aspirin tablets which were misbranded. The articles were labeled, variously: "Proven Pure Double Distilled Ext. Witch-Hazel, Bottled by Muir Laboratories, Grand Rapids, Mich."; "Chesto For Coughs, Colds \* \* \* Sole Distributors Chesto Ointment Co. Grand Rapids, Mich."; "Lightning-Lax Pills For Constipation \* \* \* Em-tona Pharmacal Co., Grand Rapids, Mich."; "Proven Pure 100 Tablets Aspirin \* \* \* Peerless Laboratories, Grand Rapids, Mich."

Analyses showed that the witch-hazel complied with the requirements of the National Formulary; that the aspirin tablets contained 5 grains of aspirin each; that the Chesto consisted chiefly of petrolatum and small proportions of volatile oils including eucalyptol, menthol, oil of pine, and camphor; and that the free sample of Lightning-Lax Pills accompanying the Chesto consisted essentially of plant drugs containing a laxative drug.

The information charged that the articles were misbranded in that certain statements, designs, and devices in the labeling, regarding the curative and therapeutic effects of the articles, falsely and fraudulently represented that they were effective (witch-hazel, bottle) as a treatment, remedy, and cure for toothache, sore gums, lameness, rheumatism, and similar ailments, erysipelas, blood diseases, earache, and painful menstruation; (Chesto, jar, carton, and circular) as a treatment, remedy, and cure for coughs, croup, sore throat, whooping cough, and all inflammation of the air passages; as a relief for difficult breathing and severe coughing spells; effective as a treatment, remedy, and cure for asthma, catarrh, and hay fever; effective to stimulate circulation; effective to aid in relieving croup, sore throat, inflammation and congestion, asthma, bronchitis, boils, piles, catarrh, and whooping cough; effective to bring soothing antiseptic and healing particles in contact with irritated surfaces; to help the body to throw off pernicious and foreign elements, and to have a far-reaching effect on the health and well-being of mankind; effective as a preventive of dangerous chest and bronchial colds and pneumonia; and effective as a treatment for inflammation of the nose and throat, bronchitis, pneumonia, tonsillitis, boils and piles; (Lightning-Lax, envelop and circular) as a treatment, remedy, and cure for biliousness and inactive liver; pimples and results of the plague of constipation; effective to banish tired and sluggish feeling, and to relieve pains and bloated feeling after eating; and effective to insure youthful vitality and enjoyment of life; to clean the system and purify the blood; (aspirin