

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

tablets, bottle and carton) as a treatment for grippe, lumbago, rheumatism, and pains in general.

On October 19, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

23258. Misbranding of Supersan Animal Soft Soap. U. S. v. Chemical Compounding Corporation and Eugene Kohn. Pleas of guilty. Fines, \$75. (F. & D. no. 32897. Sample no. 43750-A.)

This case involved a shipment of animal soap, the labeling of which contained unwarranted curative and therapeutic claims.

On September 29, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chemical Compounding Corporation and Eugene Kohn, Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about November 8, 1933, from the State of New York into the State of New Jersey, of a quantity of Supersan Animal Soft Soap which was misbranded.

Analysis showed that the article consisted of water (23.6 percent), potassium oxide (7.1 percent) fatty anhydride (39.2 percent) glycerin (6.9 percent), and pine oil, (23.2 percent).

The information charged that the article was misbranded in that the statement, "Aids in the Treatment of * * * many other skin diseases", was a statement regarding the curative and therapeutic effects of the article, and was false and fraudulent. The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1357 published under that act.

On October 5, 1934, the defendants entered pleas of guilty and the court imposed fines of \$75 for violation of the Food and Drugs Act.

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

23259. Adulteration and misbranding of sweet spirit of niter. U. S. v. Witsell Bros. Manufacturing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 32900. Sample no. 34305-A.)

This case was based on a shipment of sweet spirit of niter which was represented to be of pharmacopoeial standard, but which contained less alcohol than required by the United States Pharmacopoeia, and less than declared on the label.

On October 20, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Witsell Bros. Manufacturing Co., Inc., a corporation, Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 7, 1933, from the State of Tennessee into the State of Missouri, of a quantity of sweet spirit of niter which was adulterated and misbranded. The article was labeled in part: (Bottle and carton) "We-Li-Ka Brand Pure Sweet Spirit Nitre, U. S. P. Alcohol 90%"; (carton) "Packed by Witsell Bros. Mfg. Co., Memphis, Tenn."

The information charged that the article was adulterated in that it was sold under and by 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 pharmacopoeia official at the time of investigation, in that it contained 73.0 percent of alcohol by volume, whereas the pharmacopoeia provides that sweet spirit of niter shall contain not less than 85 percent of alcohol by volume; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented as conforming to the United States Pharmacopoeia, and as containing 90 percent of alcohol, whereas it did not conform to the standard laid down in the pharmacopoeia, and contained less than 90 percent of alcohol.

Misbranding was alleged for the reason that the statement "Pure Sweet Spirit Nitre U. S. P. Alcohol 90%, borne on the carton and bottle label, was false and misleading. Misbranding was alleged for the further reason that the article contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein.

On October 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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