

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts from plant drugs, potassium bromide, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label and wrapper, were false and fraudulent: (Wrapper) "Womanette * * * Recommended as a tonic and as a help in giving relief when caused by disorders peculiar to women and girls when not caused by natural deformities or that do not require surgical attention"; (bottle) "For pains, such as menstrual cramp, headaches, etc. * * * until pain is relieved."

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22612. Misbranding of Tona Spaf. U. S. v. 778 Bottles of Tona Spaf. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32258, 32297, 32405. Sample nos. 62051-A, 62094-A, 66179-A.)

Examination of the drug preparation involved in these cases showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 778 bottles of Tona Spaf at New York, N. Y., alleging that the article had been shipped in interstate commerce into the State of New York, in violation of the Food and Drugs Act, from Scranton, Pa., by the Penn Drug & Supply Co. On or about March 12, and March 22, 1934, the libels were filed in the District of Maryland against 481 bottles of Tona Spaf at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in violation of the Food and Drugs Act as amended, in part on or about May 6, 1933, by the Sunshine Pharmaceutical Co., Inc., from New York, N. Y., and in part on or about November 4, 1933, by the National Manufacturing Co., from New York, N. Y. One lot of the article was labeled in part: "Tona Spaf * * * Prepared by Munyon Remedy Co., Scranton, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of an iron and phosphorous compound, traces of other inorganic compounds including an arsenic compound, alcohol, water, and flavoring material.

It was alleged in the libels that the article was misbranded because of false and fraudulent statements in the labeling regarding its effects in nervous exhaustion, fatigue, run-down and weakened condition, colds, grip, influenza, anemia, insomnia, diabetes, acidosis, senility, dyspepsia, exhaustion, indigestion, palpitation, debilitation, tired feeling, malnutrition, blood disorders, lost functional nerve activity, debilitated conditions following long and protracted illness, skin disorders, chlorosis, and other conditions involving degenerative blood processes, chills and fever, and general disorders.

On April 17 and April 28, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22613. Adulteration and misbranding of Warm Springs Crystal Compound. U. S. v. 736 Packages, et al., of Warm Springs Crystal Compound. Default decrees of condemnation and destruction. (F. & D. nos. 32045, 32061, 32240, 32249, 32273, 32301, 32304. Sample nos. 36052-A, 38475-A, 48179-A, 48180-A, 50596-A, 50606-A, 60853-A, 60856-A, 69057-A.)

These cases involved interstate shipments of a product labeled to convey the impression that it consisted of the minerals obtained by evaporation of the water of Warm Springs, Ga. Analysis showed that the article had not been produced from the water of Warm Springs. The labeling of the article bore unwarranted curative and therapeutic claims.

On March 2, 3, 7, 12, 15, and 17, 1934, the United States attorneys for the Western District of Oklahoma, the Western District of Kentucky, Southern District of California, Southern District of Ohio, the Western District of Texas, and the Northern District of California, acting upon reports by the Secretary

of Agriculture, filed in their respective district courts libels praying seizure and condemnation of the following quantities of Warm Springs Crystal Compound: 736 packages at Oklahoma City, Okla.; 699 packages at Louisville, Ky.; 576 packages at Los Angeles, Calif.; 336 packages at Cincinnati, Ohio; 20 cases at El Paso, Tex.; and 60 cases at San Francisco, Calif. It was alleged in the libels that the article had been shipped in interstate commerce in various lots, between the dates of January 24 and February 26, 1934, by the Warm Springs Crystal Sales Co., from Warm Springs, Ga. and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate (Glauber's salt).

The libels alleged that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, since the label represented that it was Warm Springs Crystal Compound, whereas it was not made of the waters of Warm Springs, Ga., but consisted essentially of sodium sulphate (Glauber's salt).

Misbranding was alleged for the reason that the statements on the label, "Warm Springs Crystal Compound. These superior compound crystals come to you direct from one of America's most famous Health Resorts, * * * Distributed by Warm Springs Crystal Co. Warm Springs, Ga." and "Warm Springs 'The Nation's Health Resort'", were false and misleading. Misbranding was alleged for the further reason that the article was an imitation of another article and was offered for sale under the name of another article, crystals obtained by the evaporation of the water of Warm Springs, Ga. Misbranding was alleged for the further reason that the following statements on the label regarding the curative and therapeutic effects of the article were false and fraudulent: "An ideally balanced and efficient preparation which may be used as an aid in neutralizing conditions of Gastric Hyperacidity without an abnormal systemic alkalinity."

On April 2, April 10, April 17, June 11, June 23, and September 27, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

22614. Misbranding of Apple-Lax. U. S. v. 132 Boxes and 138 Boxes of Apple-Lax. Default decree of condemnation and destruction. (F. & D. no. 32274. Sample nos. 43090-A, 43091-A.)

This case involved a product labeled to convey the impression that it was a laxative obtained from apples. Analysis showed that the article contained the drug phenolphthalein which would produce its principal laxative effect.

On or about March 9, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 boxes of Apple-Lax at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about January 19, 1934, by the Apple Concentrates Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Apple-Lax * * * Manufactured for Apple Concentrates Corp., New York by Henry Heide, Incorporated * * * New York, N. Y."

Analysis of a sample of the article by this Department showed that it consisted of hemispherically shaped pieces containing in each, phenolphthalein (0.7 grain) and concentrated apple juice, coated with sugar and colored red.

It was alleged in the libel that the article was misbranded in that the design of an apple appearing on the retail cartons, the display cartons, and the accompanying circular, was false and misleading and in that the following statements appearing on the cartons and in the circular were false and misleading, (display carton) "Apple-Lax * * * Made with Concentrated Juice of Sun-Ripe Apples", (retail carton) "Apple-Lax * * * Safe", (circular) "Apple-Lax * * * Made with the pure concentrated juices of sun-ripe apples, it carries laxative properties that Nature gave the Apple. Apple-Lax contains 'malic' the valuable intestinal antiseptic * * * Apple-Lax is guaranteed * * * wholesome * * * Eat Apple-Lax just as you would an apple * * * You'll like its delicious apple taste", since the active laxative ingredient of the article was phenolphthalein, a synthetic coal-tar drug, and the article was not safe, wholesome, nor antiseptic to the intestinal tract.