

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.

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation 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.*

**22615. Misbranding of Cly-Tone Tonic. U. S. v. 10 Bottles of Cly-Tone Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32316. Sample no. 61958-A.)**

Examination of the drug preparation Cly-Tone Tonic showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 19, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Cly-Tone Tonic at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, by John L. O'Bannon, from Marion, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cly-Tone Tonic \* \* \* Manufactured by Clyde Collins Chemical Company, Incorporated, Memphis, Tenn."

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt, extracts of plant drugs, a small proportion of salicylic acid, an iron compound, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and carton, regarding its curative and therapeutic effects were false and fraudulent: "Cly-Tone Tonic made for your health \* \* \* Cly-Tone is highly indicated in the treatment of chronic constipation, indigestion, blood, stomach, kidney and functional disorders of the liver. Directions:—One or Two Tablespoonsful in one-half glass of water before meals until bowels act freely, then regulate dose according to actions. Children One-quarter to one-half teaspoonful [bottle] twice a day [carton] Twice daily."

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.*

**22616. Misbranding of extract of witch hazel and petroleum jelly. U. S. v. 56 Bottles of Extract of Witch Hazel and 35 Jars of Petroleum Jelly. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32325, 32326. Sample nos. 67091-A, 67092-A.)**

These cases involved interstate shipments of extract of witch hazel and petroleum jelly, the labels of which bore unwarranted curative and therapeutic claims.

On March 17, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 56 bottles of witch hazel and 35 jars of petroleum jelly at Scranton, Pa., alleging that the articles had been shipped in interstate commerce, in various shipments on or about January 1, January 10, and February 13, 1934, by the Lander Co., from Binghamton, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the extract of witch hazel consisted essentially of volatile witch hazel constituents, alcohol, and water, and that the petroleum jelly consisted of petroleum.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Witch hazel) "An effective local remedy indicated in all cases of rheumatism \* \* \* Piles; Hemorrhages, etc."; (petroleum jelly) "A reliable family remedy for \* \* \* skin diseases \* \* \* sprains, wounds, hemorrhoids \* \* \* Etc."

On April 13, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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