22621. Misbranding of Hayward's Preparation. U. S. v. 20 Bottles of Hayward's Preparation. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32493. Sample no. 51669-A.)

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

On April 2, 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 a libel praying seizure and condemnation of 20 bottles of Hayward's Preparation at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about January 24, 1934, by the Hayward Remedy Co., Inc., from New York, N. Y., and charging 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 an iodide, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the labeling contained false and fraudulent claims relative to its effectiveness in the treatment of asthma, hay fever, and bronchial catarrh.

On April 26, 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.*

22622. Misbranding of Tru-Aspingum Tablets and Tru-Koff-Ade Tablets. U. S. v. 22 Cartons of Tru-Aspingum and 22 Cartons of Tru-Koff-Ade. Default decree of condemnation and destruction. (F. & D. nos. 32507, 32508. Samples nos. 61596-A, 61597-A.)

Examination of the drug products involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 14, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cartons of Tru-Aspingum and 22 cartons of Tru-Koff-Ade at Havre, Mont., alleging that the articles had been shipped in interstate commerce, on or about November 30, 1928, by the Tru-Lax Manufacturing Co., from Newark, N. J., 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 Tru-Aspingum consisted essentially of acetylsalicylic acid and salicylic acid incorporated in a mixture of sugar, starch, and gum; and that the Tru-Koff-Ade consisted essentially of peppermint oil, a pungent substance such as red pepper, and a trace of an alkaloid, incorporated in a mixture of sugar, starch, and gum.

It was alleged in the libel that the articles were misbranded in that the following statements appearing in the labelings, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Tru-Aspingum, package) "For relief * * * pains of nervous origin * * * Especially recommended for sore throats * * * For * * * acute rheumatism * * * and other pains of nervous origin also for the relief of gout, sciatica, tonsilitis, influenza"; (circular) "Chew Tru-Aspingum * * * pains of nervous origin. * * * its antiseptic ingredients mix with the saliva and are carried over sore spots in the mouth and throat"; (box containing 12 packages) "Does not affect the heart"; (display card) "Does not affect the heart For * * * acute rheumatism * * * pains of nervous origin, also for the relief of gout, sciatica, tonsilitis, influenza"; (Tru-Koff-Ade, package) "For Coughs * * * For Hoarseness, etc., * * * For * * * Hoarseness, Bronchitis, Asthma, Coughs"; (circular) "Tru-Koff-Ade (chewed like gum) will quickly loosen phlegm and relieve hoarseness, sore throat, bronchitis, * * * nasal catarrh and other irritations of the throat and mouth"; (box containing 12 packages) "For Coughs * * * For Coughs * * * etc."; (display card) "For Coughs * * * for coughs * * * etc."

On May 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was 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.*