22302. Misbranding of Dr. Black's Brown Powder. U. S. v. William E. Black (Dr. W. E. Black Co.). Tried to a jury. Verdict of guilty. Sentence of $200 fine and 1 day in jail. (F. & D. no. 30240. Sample no. 13378-A.)

Examination of a sample of Dr. Black's Brown Powder showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 20, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William E. Black, trading as Dr. W. E. Black Co., Dallas, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about May 7, 1932, from the State of Texas into the State of Louisiana, of a quantity of Dr. Black's Brown Powder which was misbranded. The article was labeled in part: "Dr. Black's Brown Powder * * * Manufactured, Sold, Guaranteed By Dr. W. E. Black Company, Dallas, Texas."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate, magnesium carbonate, and an iron compound.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the wrappers, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective to aid digestion, to cleanse the alimentary tract, kidneys and bladder and to overcome and prevent the numerous health disorders brought about by an accumulation of acids, poisons, and waste matter in the body; effective as a corrective and preventive of acidosis, gastritis, ulceration, bad breath, overeating, and drinking; effective as a treatment for acute conditions and chronic conditions; effective to insure a good digestion and prevent vomiting of food in children; effective as a treatment, remedy, and cure for chronic indigestion; effective as an eliminator; effective to attack the cause of many affections caused by the excessive accumulation of acid poisons in the system; and effective to quickly alleviate indigestion, high blood pressure, palpitation of the heart, auto-intoxication, intoxication, and disorders of the kidneys, spleen, and intestines.

On February 15, 1934, the defendant was arraigned and entered a plea of not guilty, was tried before a jury, and a verdict of guilty was returned by the jury. The sentence of the court was a fine of $200 and 1 day in jail.

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

22303. Misbranding of Grogan Mineral Water. U. S. v. Arthur Ward Canfil (Grogan Wells Sanatorium). Plea of guilty. Fine, $250. (F. & D. no. 30237. Sample no. 2233-A.)

This case was based on an interstate shipment of Grogan Mineral Water, the label of which bore unwarranted curative and therapeutic claims.

On October 26, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Ward Canfil, trading as the Grogan Wells Sanatorium, Sweetwater, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about June 8, 1931, from the State of Texas into the State of New Mexico, of a quantity of Grogan Mineral Water which was misbranded. The article was labeled in part: (Bottle) "Grogan Wells Sanatorium Sweetwater, Tex."

Analysis of a sample of the article by this Department showed that it was a mineral water containing sodium sulphate, magnesium sulphate, calcium sulphate, and smaller proportions of sodium nitrate, calcium carbonate and bicarbonate, ferrous bicarbonate, and silica.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism, and gastro-intestinal and all liver and kidney trouble.

On April 11, 1934, the defendant entered a plea of guilty and on April 12, 1934, a fine of $250 was imposed.

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