

the official standard for medicinal whisky. Misbranding was alleged for the further reason that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained therein, since neither the carton nor principal bottle label carried a declaration of alcohol in any form, and the statement, "90 Proof", on the reverse bottle label, does not constitute a declaration of alcohol as required by law. Misbranding was alleged for the further reason that the following were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Medicinal Properties of Whiskey. An easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods, beneficial to weakly persons, more especially in the extremes of life. Sudorific power resulting from its relaxation or peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as corysa, rhinitis, bronchitis, influenza and other nasal laryngeal, bronchial and lobar affections."

On March 3, 1934, the Frankfort Distilleries, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that it should not be sold or disposed of until relabeled in a manner approved by this Department.

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

22345. Misbranding of Sweetrest Tablets and Naturade Tablets. U. S. v. 30 Packages of Sweetrest Tablets and 86 Packages of Naturade Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31978, 31979. Sample nos. 59649-A, 59650-A.)

Examination of the drug products involved in these cases showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On February 15, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 packages of Sweetrest Tablets and 86 packages of Naturade Tablets at Chicago, Ill., alleging that the articles had been shipped in interstate commerce by the Sweetrest Co., the former on or about June 5, 1933, from Cedar Rapids, Iowa, and the latter on or about December 13, 1933, from Chelsea-on-Hudson, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Sweet Rest Co., St. Louis, Mo.", "Sweetrest Company, Evanston, Ill.", or "Sweetrest Company, Cedar Rapids, Iowa."

Analyses of samples of the articles by this Department showed that the Sweetrest Tablets contained 5 grains of acetylsalicylic acid each, and that the Naturade Tablets consisted essentially of phenolphthalein, extracts from plant drugs including nux vomica, and a laxative drug and calcium sulphate.

It was alleged in the libels that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Sweetrest Tablets, tin) "Sweetrest * * * Relieve Pain Sweetrest for Fever, Lumbago, Toothache, Earache, Grippe, Rheumatism. * * * Sweetrest * * * Dose: 1 to 2 tablets, repeated in an hour if necessary. Children over 5 yrs. ½ to 1 tablet, according to age. Wherever the pain, Whatever the cause, they bring relief"; (Sweetrest Tablets, circular) "Sweetrest Relieves Pain * * * for the relief of pain * * * Rheumatism, La Grippe, Backache, * * * Special Directions for Use of 'Sweetrest' * * * Toothache, Earache, or any condition where pain is severe—Dose: 1 to 2 tablets, repeat in an hour if necessary. Sweetrest—For Miserable Days * * * Grippe, Influenza, Fever—Dose: 1 tablet every 2 or 3 hours until relieved. Sweetrest—For Sleepless Nights Rheumatism, Lumbago, Sciatica, Neuritis, Joint Pains—Dose: 1 to 2 tablets 3 or 4 times daily. Sweetrest—is dependable Periodic Pains—Dose: 1 to 2 tablets every 3 or 4 hours as required. Sweetrest for Children"; (Naturade Tablets, tin) "Brings a Feeling of Youth * * * Act on Stomach, Liver, Kidney and Bowels Useful and beneficial for * * * elimination and in the treatment of liver complaints, dizziness, Malaria, foul breath, indigestion, sick headache, rheumatism and skin diseases. * * * Dose—One-half to one tablet on retiring. Children, One-fourth to one-half tablet. * * * 'Naturade For Health'"; (Naturade Tablets, circular) "Brings a Feeling of Youth * * * acts on the Stomach, Liver, Kidney and Bowels. Useful

and beneficial for * * * elimination and in the treatment of Liver Complaints, Dizziness, Malaria, Foul Breath, Indigestion, Sick Headache, Rheumatism, Blood and Skin Diseases * * * 'Naturade' for Health * * * Special Directions for use of 'Naturade' Dose—For Adults—One 'Naturade' at night. Increase or decrease the dose as the occasion may require. Children—One-fourth to one-half tablet. * * * For Health."

On April 6, 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.*

22346. Misbranding of Granny's Cough Syrup. U. S. v. 200 Bottles and 212 Bottles of Granny's Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31883, 32060, Sample nos. 51565-A, 67052-A.)

Examination of a cough syrup labeled, "Granny's Compound Syrup of Flaxseed, Rock Candy and Licorice, Mentholated", showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling, that it was not of the composition claimed, and that it contained chloroform which was not declared correctly and plainly.

On January 30, and March 1, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 412 bottles of Granny's Cough Syrup at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, in various shipments, on or about February 9, 1931, October 13, 1931, and November 2, 1932, by the Hennafoam Corporation, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a trace of alkaloid, potassium bromide (1.4 grams per 100 milliliters), an ammonium compound, a chloride, a small proportion of a sulphate, chloroform (0.36 minim per fluid ounce), menthol, gum sugars, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Compound Syrup of Flaxseed, Rock Candy and Licorice Mentholated", was false and misleading, in view of its actual composition. Misbranding was alleged for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of chloroform contained in the article, since the declaration on the bottle label was inconspicuous and incorrect, and the declaration on the carton was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "Directions For children, one teaspoonful every two or three hours. For adults, one dessert spoonful every two or three hours"; (carton) "For Coughs, * * * and Bronchitis. * * * Directions: For Children one teaspoonful every 2 or 3 hours. * * * Cough Remedy * * * a sedative in affections of the throat, relieving recent and obstinate coughs by promoting expectoration."

On March 23, 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.*

22347. Adulteration and misbranding of Sirop D'Anis Gauvin Compound. U. S. v. 300 Bottles, et al., of Sirop D'Anis Gauvin Compound. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31740, 31811, 31812. Sample nos. 58041-A, 58076-A, 58077-A.)

These cases involved shipments of a drug preparation labeled to convey the impression that its chief physiological effects were derived from oil of anise, but which depended chiefly for its effects on the morphine content. The labels were further objectionable in that they contained unwarranted curative and therapeutic claims; the designs and directions conveyed the idea that it could be safely used for babies, whereas its morphine content rendered it unsafe for such use; the declaration of alcohol was inconspicuous; and the declaration of morphine was incorrect in one lot, and inconspicuous in the remainder.

On December 19, 1933, and January 5, 1934, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agricul-