

22022. Misbranding of L. B. J. Cough Syrup. U. S. v. 538 Packages and 356 Packages of L. B. J. Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29972, 29973. Sample nos. 20550-A, 31651-A.)

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

On March 23, 1933, 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 libels praying seizure and condemnation of two lots, consisting of 894 packages, of L. B. J. Cough Syrup at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 22, 1932, by the Little Brown Jug Inc., from Sinking Spring, Pa., 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 extracts of plant drugs, including wild cherry, tar, sugar, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton label of one lot) "For Coughs * * * Hoarseness, Croup, Whooping Cough, Bronchitis * * * in severe cases, one teaspoonful every hour until relieved [the same statements appeared on the bottle label of the remaining lot]"; (circular accompanying both lots) "Cures * * * Coughs—Hoarseness Whooping Cough—Bronchitis—Etc."

On January 18, 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.*

22023. Misbranding of L. B. J. Cough Syrup. U. S. v. 238 Packages of L. B. J. Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29971. Sample no. 20549-A.)

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

On March 23, 1933, 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 238 packages of L. B. J. Cough Syrup at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about November 7, 1932, by the Liberty Forwarding & Distributing Co., from Reading, Pa., 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 extracts of plant drugs, including wild cherry, tar, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects, were false and fraudulent: (Carton) "For Coughs, Colds, Hoarseness Croup, Bronchitis * * * in severe cases, 1 teaspoonful every hour until relieved", (circular) "Sand Paper Throat * * * Relieved immediately * * * 'Sandpaper Throat'—That Condition of the Throat that is caused by coughs, hoarseness, tonsillitis, whooping cough."

On January 18, 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.*

22024. Misbranding of Dr. Tripp's Tonic Prescription. U. S. v. Norwood Pharmaceutical Co. Plea of guilty. Fine, \$25. (F. & D. no. 28205. I.S. no. 47832.)

Examination of the drug product, Dr. Tripp's Tonic Prescription, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Norwood Pharmaceutical Co., a

corporation, trading at Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 25, 1932, from the State of Illinois into the State of Michigan, of a quantity of Dr. Tripp's Tonic Prescription which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide (2.28 grains per 100 millimeters), red saunders, extracts of plant drugs, including cinchona, a laxative drug such as cascara sagrada, sugar, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the booklet shipped with the article, falsely and fraudulently represented that it was effective to restore vitality and to preserve and restore health; effective as a treatment, remedy, and cure for blood impurities, rheumatism, inflammatory rheumatism, arthritis, torticollis, neuritis, all blood and skin troubles, nervous debility, fevers of various types, constant headaches, pains and aches throughout the body, sciatica, kidney ailments, acne, eczema, pimples, blackheads, scrofula, nervous and physical breakdown, and most human ills; effective to awaken the functioning of dormant organs and to remove obstructions from those that are clogged; effective as a restorative for disorders of the blood, stomach, and nerve systems; effective as a treatment, remedy, and cure for blotches, blemishes, backache, a general run-down condition, liver diseases, kidney diseases, bladder diseases, gout, lumbago, women's ailments, and a completely shattered system; effective as a dissolver of poisons and as a cleanser of the system; effective to carry toxins out of the blood circulation, to alkalinize the blood stream, and to reduce acidosis; effective as an organic purification; and effective as a treatment, remedy, and cure for chronic ailments, sallow complexion, high blood pressure, and sore joints.

On February 1, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

22025. Adulteration and misbranding of Healthagain. U. S. v. 11 Bottles of Healthagain. Default decree of forfeiture and destruction.
(F. & D. no. 29183. Sample no. 26790-A.)

This case involved a product labeled to convey the impression that it was a food medicine of vegetable origin and contained no harmful drugs. Examination showed that the article contained a mineral drug, that it was not a food, and that it might be harmful. The labeling also bore unwarranted curative and therapeutic claims.

On November 4, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 bottles of Healthagain at Fremont, Ohio, alleging that the article had been shipped in interstate commerce on or about October 25, 1932, by the Healthagain Laboratories, from Wellsburg, W. Va., 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 Epsom salt (approximately 20 percent), extracts of plant drugs, including laxative drugs such as jalap, senna, and rhubarb, alcohol (approximately 3.2 percent), sugar (approximately 20 percent), and water.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely: (Bottle) "Compounded of U.S.P. Vegetable extracts and alfalfa."

Misbranding was alleged for the reason that the statements, "Compounded of U.S.P., vegetable extracts and alfalfa", "A food medicine", and "No harmful drugs", borne on the labels, were false and misleading, since the article contained Epsom salt, among other ingredients; it was not a food; and the ingredients of which the article was composed might be harmful. Misbranding was alleged for the further reason that the statements, "Healthagain", appearing on all bottles, "Recommended for use in the treatment of diabetes", appearing on certain bottles, "Recommended for use in the treatment of Liver", appearing on certain bottles, and "Recommended for use in the treatment of dropsy special", appearing on certain bottles, were false and fraudulent.

On July 18, 1933, no claimant having appeared for the property, judgment of 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.*