

to pay a fine of \$150 on each of the 6 counts of the information. Payment was suspended, except as to Louis Kleinschmidt with respect to 3 counts on which he paid a fine of \$450. On February 19, 1934, defendant Max Frei pleaded guilty and was fined \$150 on each of 6 counts. Payment was, however, suspended and defendant placed on probation for 1 year. On March 9, 1934, defendant Bernard Kleinschmidt pleaded guilty and was fined \$150 on each count, and payment was suspended as to all but 3 counts. Total fines paid were \$900.

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

22180. Misbranding of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxatives. U. S. v. Rainey Drug Co. Plea of guilty. Fine, \$200. (F. & D. no. 28116. I. S. nos. 35514, 40369.)

Examination of the drug products covered by this case disclosed that they contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 13, 1932, 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 Rainey Drug Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 2 and July 13, 1931, from the State of Illinois into the State of Missouri, of quantities of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxatives which were misbranded. The articles were labeled, variously, "Dr. Rainey's Vitality Tablets"; "Dr. Rainey's Laxatives"; "Free Sample Dr. Rainey's Laxative Tablets"; "The Dr. Rainey Drug Co. Chicago, U. S. A."

Analyses of samples of the articles by this Department showed that the Vitality Tablets consisted of uncoated tablets, containing calcium carbonate, metallic iron, extracts of plant drugs including cinchona and nux vomica, and iron (ferrous) carbonate; and that the Laxatives (tablets) consisted of uncoated tablets containing calcium carbonate, extracts of plant drugs including nux vomica and a laxative drug, and a small proportion of an iron compound.

It was alleged in the information that the Vitality Tablets were misbranded in that certain statements on the box and in the circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that the article was effective as a treatment, remedy and cure for anaemia, nervous debility, indigestion, lost vitality, neurasthenia and all conditions where a tonic to the heart, nerves, stomach, and blood is required; effective as a general tonic to the stomach and heart, kidneys, and liver, to restore vitality, health, strength, and vigor; effective as a treatment, remedy, and cure for stomach trouble, ailments of the blood, ailments of the nerves, ailments of the heart, catarrh and thinness; effective to enrich the blood, build up the nervous system, generate vitality, create nerve force and restore full strength and vigor; effective as a remedy for strengthening vitality and as a tonic to the stomach, nerves, heart, and blood; and effective to strengthen every organ in the body.

Misbranding of the full-sized bottle of Dr. Rainey's Laxatives was alleged for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the bottle label and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for indigestion and torpid liver; effective to relieve catarrh of the stomach and digestive organs, and a torpid, enlarged, or congested liver; effective as a treatment, remedy, and cure for sickness and foul breath; effective to put sparkle in the eyes and tone up the whole system; effective to aid the natural function of the bowels, to restore the normal tone to the muscular coating, and to correct constipation and prevent troubles of still more dangerous character.

Misbranding of the sample bottle of Dr. Rainey's Laxatives was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the box and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for liver and bowel troubles; effective to put sparkle in the eyes and tone up the whole system; effective to aid the natural function of the bowels, to restore the normal tone to the muscular coating, and to correct constipation and prevent troubles of still more dangerous character.

On February 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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