

**22195. Adulteration and misbranding of Cascara Cold Breakers. U. S. v. The National Pharmacal Co. Plea of guilty. Fine, \$25. (F. & D. no. 31320. Sample no. 27133-A.)**

This case was based on an interstate shipment of a drug product which was found to contain less acetanilid than claimed. The labels of the article also bore unwarranted curative and therapeutic claims.

On February 10, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Pharmacal Co., a corporation, Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 17, 1933, from the State of Michigan into the State of Ohio, of a quantity of Cascara Cold Breakers which were adulterated and misbranded. The article was labeled in part: (Box) "National remedies Cascara Cold Breakers \* \* \* National Pharmacal Company, Detroit, Michigan. Each tablet contains \* \* \* 2 grains of Acetanilid."

Analysis of a sample of the article by this Department showed that it contained acetanilid (1.7 grains per tablet), small proportions of extracts of plant drugs including a laxative drug, ammonium chloride, camphor, capsicum, and sodium salicylate, and a trace of a drug containing a mydriatic alkaloid.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the said tablets was represented to contain 2 grains of acetanilid, whereas each of the said tablets contained not more than 1.7 grains of acetanilid.

Misbranding was alleged for the reason that the statement "Each tablet contains \* \* \* 2 grains of acetanilide", borne on the box, was false and misleading. Misbranding was alleged for the further reason that the article contained acetanilid, and the label on the package failed to bear a statement of the quantity and proportion of acetanilid contained in it. Misbranding was alleged for the further reason that certain statements appearing on the box label, regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for grippe.

On February 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**22196. Misbranding of Ensign Remedies. U. S. v. Thomas D. Ensign and Beatrice Ensign (The Ensign Co.). Pleas of guilty. Fines, \$200. (F. & D. no. 31330. Sample nos. 7859-A, 7860-A.)**

This case was based on shipments of Ensign Remedies. Examination showed that the articles contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labels.

On January 10, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas D. Ensign and Beatrice Ensign, copartners, trading as the Ensign Co., Battle Creek, Mich., alleging shipments by said defendants in violation of the Food and Drugs Act as amended, on or about January 10, 1933, from Battle Creek, Mich., to Santurce, P.R., of quantities of Ensign Remedies which were misbranded. The articles were labeled in part, respectively: "Ensign Remedies Remedy No. 42"; "The Ensign Remedies Remedy No. 7."

Analyses of samples of the articles by this Department showed that Remedy No. 42 contained 99.6 percent of sugar and that Remedy No. 7 contained 99.2 percent of sugar. No therapeutic agents were detected in either sample.

It was alleged in the information that the articles were misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing on the carton and bottle labels and in circulars shipped with the articles, falsely and fraudulently represented that Remedy No. 42 was effective as a treatment, remedy, and cure for primary syphilis, chancre, buboes and affections due to having suppressed it during its first period; effective as a remedy and treatment for diseases no matter how serious; effective to insure long life and immunity against pains and afflictions; effective as a rapid and steady remedy in acute cases, and as a cure in chronic diseases; effective as a tissue builder, and that Remedy No. 7 was effective as a treatment, remedy, and cure for grippe, endemic influenza and malignant affections of the throat; effective as a treatment for acute la grippe or for the chronic after-effects;