21983. Misbranding of Captain Bryant's Grand American Remedy. U. S. v. 43 Bottles of Captain Bryant's Grand American Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31280. Sample no. 43992-A.)

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

On October 28, 1933, the United States attorney for the Northern District of New York, acting upon a report of the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 bottles of Captain Bryant's Grand American Remedy at Binghamton, N.Y., alleging that the article had been transported from Scranton, Pa., into the state of New York by the McKallor Drug Co. on or about November 6, 1931, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "E. W. Bryant Manufacturer Scranton, Pa."; (bottle) "Prepared by E. W. Bryant Scranton, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, including peppermint oil, capsicum oleoresin, alcohol, and water, colored with a red dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Carton) "Is recommended for cramps in the stomach, bowel complaints, diarrhoea, dysentery, dyspepsia, toothache, sore throat, diphtheria, * * * earache * * * lameness and various other ailments"; (bottle) "For cramps, bowel complaint, dyspepsia, sore throat, diphtheria, toothache, earache * * * lameness, etc."

On December 12, 1933, 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.*

21984. Misbranding of Curry's Headache Powders. U. S. v. 69 Packages 10 Cent Size and 69 Packages 25 Cent Size of Curry's Headache Powders. Default decree of destruction. (F. & D. no. 31878. Sample no. 33319-A.)

This case involved a shipment of Curry's Headache Powders which contained acetanilid but were not labeled to show the amount of acetanilid in each powder. The labeling of the article bore unwarranted curative and therapeutic claims.

On January 24, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 138 packages of Curry's Headache Powders at Birmingham, Ala., alleging that the article had been shipped on or about December 21, 1933, by the Curry Arrington Co., from Rome, Ga., 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 2.4 grains of acetanilid, 0.94 grain of caffeine, and 1.5 grains of sodium bicarbonate per powder.

It was alleged in the libel that the article was misbranded in that the package failed to bear on the label a statement of the quantity or proportion of acetanilid contained in each powder. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: "Heart Stimulant * * * Directions—Place one powder on the tongue and then take a little water—If not promptly relieved, take another powder in twenty minutes * * * Cures * * * Prompt relief for * * * Nervous debility, sleeplessness * * * alcoholic and other excesses, over brain work, depression and that tired feeling."

On February 26, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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