

It was alleged in the information that the Epsom salt tablets were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that two tablets of the article were represented to be equivalent to one tablespoonful of pure Epsom salt, whereas two tablets of the article were not equivalent to one tablespoonful of pure Epsom salt, since they contained little, if any, Epsom salt.

Misbranding of the Epsom salt tablets was alleged for the reason that the statement, "Epsom Salts Compound Tablets Two tablets equivalent to one tablespoonful of pure Epsom Salts", borne on the boxes containing the article, and the statement, "Epsom Salts Tablets (Compound) Two Tablets equal one tablespoonful Salts, and have all the efficiency of powdered salts," borne on a display card accompanying the article, were false and misleading, since the article was not composed essentially of pure Epsom salt, two tablets were not equal to and equivalent to one tablespoonful of Epsom salt, and the article did not have all the efficiency of Epsom salt, since it was composed in part of aloe and contained little, if any, Epsom salts. Misbranding of the Epsom salt tablets was alleged for the further reason that the article was composed in part of aloe and contained little, if any, Epsom salt; that it was prepared in imitation of another article, Epsom salt tablets (compound) and Epsom salt compound tablets, and that it was offered for sale and sold under the name of another article.

Misbranding of the aspirin tablets was alleged for the reason that certain statements, designs, and devices appearing on display cards shipped with the article, and in a circular shipped with a portion, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for toothache, earache, rheumatism, lumbago, neuralgia, and sciatica.

On December 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150.

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

21791. Misbranding of Aspirsal. U. S. v. Charles M. Hick (Charles M. Hick & Co.). Plea of guilty. Fine, \$25. (F. & D. no. 27531. I.S. no. 37819.)

Examination of the drug preparation, Aspirsal, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the display card shipped with the article.

On May 6, 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 Charles M. Hick, trading as Charles M. Hick & Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1931, from the State of Illinois into the State of Pennsylvania, of a quantity of Aspirsal that was misbranded. The article was labeled in part: "Hick's Pure Aspirsal Compounded * * * Chas. M. Hick & Co."

Analysis of a sample of the article by this Department showed that it consisted essentially of tablets containing acetylsalicylic acid (4.5 grains per tablet) and phenolphthalein.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the therapeutic and curative effects of the article, appearing on the display card, falsely and fraudulently represented that it was effective as a treatment for toothache, earache, rheumatism, lumbago, and sciatica.

On December 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

21792. Adulteration and misbranding of O.K. Magnesium Mineral Water. U. S. v. William E. Schmidt (O.K. Mineral Water Co.). Plea of guilty. Sentence deferred and defendant placed on probation for a period of 2 years. (F. & D. no. 30235. Sample no. 3347-A.)

This case was based on an interstate shipment of mineral water which was found to be polluted and which was not labeled with a statement of the quantity of the contents. The article was represented to be a magnesium mineral water, whereas only about one-third of the salts present therein were magnesium salts. The labeling also bore unwarranted curative and therapeutic claims.

On October 26, 1933, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William E. Schmidt, trading as the O. K. Mineral Water Co., Enfield, Ill., alleging shipment by said defendant on or about March 3, 1932, from the State of Illinois into the State of Michigan, of a quantity of O. K. Magnesium Mineral Water that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate and magnesium sulphate, smaller proportions of sodium chloride, calcium sulphate, and calcium carbonate, and traces of silica and sodium nitrate. Bacteriological tests showed that the water was polluted.

It was alleged in the information that the article was adulterated under the provisions of the law relating to food in that it consisted in whole or in part of a filthy or decomposed animal or vegetable substance.

It was further alleged that the article was misbranded under the provisions of the act relating to food in that it contained not more than one-third of salts of magnesium and was offered for sale and sold under the distinctive name of another article, to wit, magnesium mineral water, for the further reason that the statement, "O. K. Magnesium Mineral Water", borne on the label was false and misleading; and for the reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted wholly of magnesium mineral water, whereas it did not so consist but did consist of a product which was not more than one-third salts of magnesium. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding under the provisions of the act relating to drugs was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney and liver trouble, rheumatism, lumbago, malaria, gastritis, nervousness, and all forms of stomach trouble and effective to increase secretions.

On December 19, 1933, the defendant entered a plea of guilty to the information. Imposition of sentence was deferred, and the defendant was placed on probation for a period of 2 years.

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

21793. Misbranding of Candy Cathartic Cascarets. U. S. v. 209 Dozen Boxes and 104 Dozen Boxes of Candy Cathartic Cascarets. Default decree of forfeiture. Product delivered to Federal agency. (F. & D. no. 31266. Sample nos. 58005-A, 58006-A.)

This case involved an interstate shipment of a product labeled to convey the impression that its active therapeutic agent was cascara sagrada. Examination of the article showed that it contained phenolphthalein, a synthetic cathartic drug. The labeling of the article also bore unwarranted curative and therapeutic claims.

On October 23, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 313 dozen boxes of Candy Cathartic Cascarets at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 29, 1933, by the Sterling Products, Inc., from Wheeling W. Va., 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 of lozenges composed essentially of phenolphthalein (0.62 grain each), extracts of plant drugs, including cascara sagrada and licorice, flavoring oils, including methyl salicylate and sassafras oil, and sugar.

It was alleged in the libel that the article was misbranded in that the following statements and design appearing in the labeling, (circular showing cut of monk removing bark from a tree, accompanied by legend "'Cascara Sagrada'—Sacred Bark") "Cascarets contain cascara, which is nature's own laxative. Cascara comes from the bark of a tree in the far West. Its name is cascara sagrada (sacred bark) grown in the great outdoors. Combined and refined with other valuable ingredients. Real licorice and pure cane sugar are added and it is pressed into these candy-like tablets * * * Cascara will not lead to any