

and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, Epsom salt, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia since it contained approximately 31 percent in the case of one lot, and 41 percent in the case of the other lot, of sodium sulphate, i. e., Glauber's salt; and its own standard of strength, quality, and purity was not stated on the container.

Misbranding was alleged in that the statement on the label of one lot, "Epsom Salts—U. S. P. Grade," and that on the other lot, "Epsom Salts," were false and misleading. Further misbranding was alleged in that the article was offered for sale under the name of another article, Epsom salt; whereas it was a mixture of Epsom salt and Glauber's salt.

On July 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization to be used for external medicinal purposes.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29441. Misbranding of Healthagain Preparations. U. S. v. Healthagain Laboratories, Inc. Plea of guilty. Fine, \$240. (F. & D. No. 31447. Sample Nos. 4758-A, 8951-A, 8953-A, 8954-A, 19226-A, 21756-A, 21758-A, 21826-A.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and false representations regarding their composition.

On October 24, 1934, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Healthagain Laboratories, Inc., Wellsburg, W. Va.; alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 17, 21, and 26 and October 25, 1932, from the State of West Virginia into the States of Illinois, New York, Pennsylvania, and Ohio of quantities of Healthagain Preparations, hereinafter described, which were misbranded and of which certain ones were adulterated. The articles were labeled in part: "Healthagain Laboratories, Inc. * * * Wellsburg, W. Va." All lots with one exception were variously labeled: "* * * Ulcerated Stomach," "* * * Anemia," "* * * Special," "* * * Diabetes No. 3," "* * * Anemia No. 3," or "* * * Sugar Diabetes." One lot bore no special designation.

Analyses of samples of the articles showed that one lot labeled "Special" and another lot labeled "Sugar Diabetes" consisted essentially of Epsom salt, sugar, alcohol, water, and plant extractives including an emodin-bearing drug, such as senna or rhubarb, and some sediment; and that the remaining lots consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs including laxative drugs such as senna, rhubarb, jalap, and podophyllum, alcohol (approximately 3.2 percent by volume), sugar (approximately 20 percent), and water.

The product designated as a treatment for ulcerated stomach and one lot of that designated as a treatment for "Sugar Diabetes" were alleged to be misbranded in that statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that they were effective as treatments for diabetes, high blood pressure, anemia, Bright's disease, dropsy, tuberculosis, liver ailments, nervousness, skin disease, ulcerated stomach, arthritis, rheumatism, gall-bladder trouble, and asthma; to enable the user to regain health; effective as a remedy for boils, carbuncles, blisters; congestion of the liver, and gangrene resulting from diabetes; effective to unload the excessive sugars, poisons, and acids that are in the liver in liquid form, to work the liver, force it into action, and to unload the raw sugars and acids through the bowels; to drive the sugar and impurities from the liver; to cleanse the liver, destroy the acid, build up the red corpuscles and increase the vitality; as a treatment for acidosis; as a remedy for obesity, sickness, weakness, disease, rheumatism, tuberculosis, gout, diabetes, skin disorder, mucous colitis, neuritis, kidney involvement, heart trouble, asthma, serious ailment, headaches, abscesses, nausea, ulcers, inflammation of gall bladder, and swelling and tenderness of skin due to acidosis; to restore the liver, spleen, and pancreas to normal functioning; to keep the liver healthy; effective as a remedy for headache, vertigo, anemia, acne, and other infections of the skin, neuritis and arthritis

due to constipation; to stimulate the liver and to cause it to unload the impurities and to do away with tired, irritated feeling; to cause regular action of the bowels; as a remedy for malassimilation, loss of appetite, decaying teeth, obesity, nonelimination, acidosis, with its many and varied manifestations, anemia and demineralization; as a remedy for all ailments and general run-down conditions arising from a dormant or inactive spleen; as a successful treatment of any disease or impure blood resulting from spleen afflictions; as a remedy for anemia caused by an enlarged spleen; to arouse the spleen into activity in order to restore normal sex life; to maintain perfect health and to insure perfect functioning of all the glands to prevent premature old age, wrinkles, and senility; as a treatment for waning sex life and nervous debility due in part to acidosis; (in the case of the treatment for ulcerated stomach only) to insure health; and (in the case of the treatment for "Sugar Diabetes" only) as a treatment for sugar diabetes.

One lot of the treatment for "Sugar Diabetes" and those labeled "Special" and "Anemia" were alleged to be misbranded in that statements in the labeling falsely and fraudulently represented their curative and therapeutic effectiveness as treatments for diabetes, high blood pressure, anemia, Bright's disease, dropsy, tuberculosis, liver ailments, nervousness, skin disease, ulcerated stomach, arthritis, rheumatism, gall-bladder trouble, and asthma; their effectiveness to enable the user to regain health; and (in the case of the products designated "Sugar Diabetes" and "Special") their effectiveness as treatments for sugar diabetes. The products designated "Ulcerated Stomach," "Sugar Diabetes," "Special," "Anemia," and the lot with no particular designation were alleged to be misbranded further in that the statements on the labels, "Vegetable Compound" and "No Drugs," were false and misleading since they represented that the articles consisted wholly of vegetable substances and contained no drugs; whereas they did not consist wholly of vegetable substances but contained Epsom salt and did contain drugs, Epsom salt and other laxative drugs. They were alleged to be misbranded further in that they contained alcohol and the labels on the packages failed to bear statements of the quantity and proportion of alcohol contained therein.

The products designated "Diabetes No. 3" and "Anemia No. 3" were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold since they were represented to be compounded wholly of vegetable extracts listed in the United States Pharmacopoeia and of alfalfa; whereas they were compounded in large part of Epsom salt, a mineral drug. They were alleged to be misbranded in that the statements on the labels, "Compounded of U. S. P. Vegetable Extracts and Alfalfa," "A Food Medicine," and "No Harmful Drugs," were false and misleading since they represented that the article was compounded wholly of vegetable extracts listed in the United States Pharmacopoeia and of alfalfa, that they were food medicines, and that they contained no harmful drugs; whereas they were not composed wholly of vegetable extracts listed in the United States Pharmacopoeia and of alfalfa but were composed in large part of Epsom salt, a mineral drug, they were not food medicines in that they contained no food, and they contained Epsom salt, emedin, and jalap, which might be harmful to health. They were alleged to be misbranded further in that statements in the labeling falsely and fraudulently represented their curative and therapeutic effectiveness to enable the user to regain health, and their effectiveness as treatments, respectively, for diabetes and anemia.

On July 18, 1938, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$240.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29442. Adulteration and misbranding of ampuls of sodium cacodylate; alleged adulteration and misbranding of ampuls of sodium iodide, sodium salicylate, caffeine sodio-benzoate, glucose, magnesium sulphate, hexamethylenamine, sodium thiosulphate, emetine hydrochloride, sodium iodide and sodium salicylate, Migraine, pituitary extract, glycerophosphate compound, iron, arsenic and phosphorus ampuls, iron cacodylate; and alleged misbranding of X-Bismarck Compound and mercury biniodide. U. S. v. Rovin Therapeutic Products, Inc. Plea of guilty to counts 1, 2, and 3. Fine, \$500 on said counts. Remaining counts dismissed. (F. & D. No. 39496. Sample Nos. 12822-C, 12823-C, 27904-C to 27908-C, incl., 27979-C to 27988-C, incl., 35101-C, 35103-C, 35113-C, 35114-C, 35119-C.)

This information charged in counts 1, 2, and 3 the adulteration and misbranding of sodium cacodylate ampuls because of a deficiency of sodium