

consumed by a person suffering from appendicitis, and it failed to inform purchasers that frequent or continued use might result in dependence on laxatives. It was alleged to be misbranded further in that the following statements appearing on the bottle label were false and misleading with respect to the active laxative ingredients and with respect to the effects it would produce upon the consumer: "The active principles in this formula are parsley and asparagus. Parsley and asparagus appear to maintain a higher alkalinity through the intestine and into the colon than do other vegetables of higher initial alkaline content. Any decrease in the acidity of the waters absorbed from the colon and carried by the portal circulation to the liver evidently minimizes the alkaline demand upon the liver to bind such acid. Any conservation of the alkaline demand upon the liver facilitates the liver's fabrication and secretion of a more alkaline or normal bile, which will result in more complete digestion, minimized fermentation and lowered putrefaction within the colon. Neither parsley nor asparagus produces any laxative effect. Okra is included in this formula for the excellent property of its vegetable mucin. Irish moss is included for its property of absorbing and holding the water and thus effecting a higher degree of softness of the colonic residues."

Crawford's Formula 53 with Vitamin E was alleged to be misbranded in that representations and suggestions in the labeling that it would be efficacious in building blood, supplying the necessary vitamins and minerals to the blood stream for restoring the normal functions of the body mechanism; that it would be efficacious in maintaining the tone of the sacral nervous system, in helping to maintain the sex power, in helping to maintain high vitality through building up the entire glandular system; that it would aid in building up the skin tissues and that it would endow the blood with such properties as would give the consumer long life, health, energy, and vitality; that it would be efficacious in case of pale and livid complexion, dry skin, bluish, white, or gray gums, transparent and waxy ears, habitually cold feet, continually clammy hands, bluish and lusterless fingernails, dull-looking hair, decaying teeth, pyorrhea, drawn face, coarse and yellow skin, or foul breath; that it would be efficacious when physical exertion causes shortness of breath, palpitation of the heart, or rapid or weak pulse; that it would be efficacious when mental and emotional fatigue are present, when one feels fear or apprehension, loses faith in oneself, or is nervous, listless, unstable, and despondent; that because of its ability to form red cells in the blood and increase the amount of hemoglobin in the red cells it would be efficacious in anemia accompanied by lack of energy, languor, fatigue, and lack of persistence; that it would be efficacious in nourishing and rebuilding the tissues, regardless of the nature of the ailment; that it would be efficacious in the treatment of arthritis, rheumatism, heart disease, degenerative diseases, and bladder, liver, and kidney troubles; and that it would develop a strong friendly overpowering personality which would command the respect and love of everyone and allow the user to be more useful to himself, friends, and children; that it would be efficacious when one is grouchy, tired, feeling miserable, cannot sleep, and is suffering from pains all over the body; that it would rejuvenate the body; that it would be efficacious for the treatment of tumors and growths such as cancer by dissolving the tumor and growth; and that its use would enable the user to regain health and vigor, were false and misleading since it would not be efficacious for such purposes.

The libel alleged that Crawford's Formula 53 was also misbranded under the food provisions of the law as reported in F. N. J. No. 2819.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

442. Misbranding of Germania Herb Tea. U. S. v. 1,250 Packages of No. 14 Germania Herb Tea. Default decree of condemnation and destruction. (F. D. C. Nos. 3816, 3817. Sample Nos. 40253-E, 40254-E.)

The label of this product not only failed to bear adequate directions for use; but it contained false and misleading statements regarding its efficacy as an aid in weight reduction and in the treatment of various diseases, and it failed to bear the common or usual name of each of the active ingredients.

On February 14, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 600 sample packages and 650 retail packages of Germania Herb Tea at Philadelphia, Pa., alleging that it had been shipped by the Germania Tea Co. from Minneapolis, Minn., and by Consolidated Drug Trade

Products, Inc., from Chicago, Ill., on or about January 15 and 22, 1941; and charging that it was misbranded.

Examination of a sample of the article showed that it consisted of senna leaves (approximately 40 percent) with smaller proportions of other leaves, buds, seeds, stems and flowers including arnica flowers, uva ursi leaves, aniseed, and Cyanus flowers.

The article was alleged to be misbranded: (1) In that its labeling failed to bear adequate directions for use, since directions contained in an accompanying booklet entitled "Food," that users drink Germania Herb Tea with meals as needed for a few weeks, were not appropriate for an article of its composition and therefore were not adequate. (2) In that statements in the aforesaid booklet and in a leaflet entitled "Insist on Genuine No. 14 Germania Herb Tea," representing that its use would give the consumer a normal, healthy, and beautiful figure; that it would be effective for the relief of many body aches and pains; that it would give regular elimination for a healthy stomach; that it would be efficacious in the treatment of stomach-heartburns, sour stomach, belching, vomiting, biliousness, dizzy spells, gas in the stomach and bowels, loss of appetite and restless nights; that by its use one could avoid constipation; that it would be efficacious in the treatment of rheumatic aches and pains; that its use would give the consumer a clear complexion, would stimulate functional kidney action, would aid in weight reduction, and would help promote elimination of wastes through the kidneys and gastro-intestinal organs, were false and misleading since it would not be efficacious for such purposes. (3) In that its label failed to bear the common or usual name of each active ingredient, since the statement on the label, "No. 14 Germania Herb Tea is Composed of T. V. Senna Leaves, Black Tea, Acacia Flowers, Cyanil Flowers, Pansy Herb, Uva Ursi Leaves, Arnica Flowers, Blackberry Leaves, Raspberry Leaves, Sweet Violet Leaves, Horse Tail, Elder Flowers, Woodruff Herb, Fennel Seed, Aniseeds and Camomile Flowers," did not indicate which of the plant materials mentioned are physiologically or therapeutically active.

On March 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

443. Misbranding of Gid. U. S. v. 105 Packages and 2,900 Envelopes (free samples) of Gid Granules No. 1 and 169 Packages of Gid Granules No. 2. Default decree of condemnation and destruction. (F. D. C. No. 4854. Sample Nos. 36782-E, 36783-E.)

The labeling of the free samples of this product failed to bear adequate directions for use, the common or usual name of each of the active ingredients, the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of contents. The labeling of the regular packages bore false and misleading statements regarding its ingredients and its therapeutic properties.

On June 2, 1941, the United States attorney for the District of Massachusetts filed a libel against the above-named products at Boston, Mass., alleging that they had been shipped by Eberly-Williams Manufacturing Co. from Chicago, Ill., on or about April 9 and 17, 1941; and charging that they were misbranded.

Analyses of samples of the articles showed that Gid Granules No. 1 consisted essentially of the mucilaginous part of psyllium seed, karaya gum, sodium bicarbonate in proportions varying from 1.2 percent to 8.2 percent, calcium carbonate in proportions varying from 0.79 percent to 9.2 percent, a phosphate, a sulfate, and sugar; and that Gid Granules No. 2 consisted essentially of the mucilaginous part of psyllium seed, karaya gum, yeast, and sugar.

The free samples of Gid Granules No. 1 were alleged to be misbranded for the reasons stated above. Gid Granules No. 1 were alleged to be misbranded in that the statement, (carton) "Calcium Carbonate . . . 9% Sodium Bicarbonate . . . 9%," was false and misleading since it did not contain the declared proportions of calcium carbonate and sodium bicarbonate; and in that the statement, (carton) "are scientifically prepared to be of effective value in the treatment of minor irritations and inflammations of the stomach and upper intestines, a protective demulcent * * * Dosage four grams (one teaspoonful) three or four times daily," was false and misleading since the article was not an appropriate and effective medicament for the conditions mentioned and it did not possess the properties claimed when used as stated. Gid Granules No. 2 were alleged to be misbranded in that the statement, (carton) "are scientifically prepared to be of effective value in the treatment of minor irritations and inflammations of the lower intestine and colon, and in spastic * * *