

Analysis showed that the article consisted essentially of extracts of plant drugs including an astringent drug, a trace of an ammonium compound, alcohol (12.1 percent by volume), and water.

The article was alleged to be misbranded in that its labeling contained representations that it was efficacious in the treatment and cure of chills, malaria, eczema, scrofula, cholera morbus, snake and spider bites, reptile and insect bites, rheumatism, hemorrhage of the lungs, asthma, female troubles, la grippe, erysipelas, blood poison of every description, poor health, tumorous cancer, weakness, proud flesh, swelling and inflammation, inflammatory rheumatism, sore leg, ivy poison, chills, colic, nervousness, constipation, headache, womb trouble, greenish veins, coughs, lung trouble, biliousness and summer complaint, blood and malarial poison, diseases of the stomach and bladder, all pains, diseases arising from impurities of the blood, skin eruptions, loss of appetite, which representations were false and misleading since the article was not efficacious for the said purposes.

It was alleged to be misbranded further in that the labeling contained representations that it was an anti-poison, was one of the best blood tonics, was the best blood medicine on the market, was an antiseptic, that it contained 20 percent of alcohol and that it was guaranteed to conform to the requirements of the law which were false and misleading.

On March 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**305. Misbranding of boric acid. U. S. v. 498 Packages of Boric Acid. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2211. Sample No. 33201-E.)**

The labeling of this product bore false and misleading representations regarding its antiseptic properties when used as an eyewash; and it was also short weight.

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 498 packages of boric acid at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 11 and April 22, 1940, by Gero Products, Inc., from South Boston, Mass.; and charging that it was misbranded. It was labeled in part: "Antiseptic for eye washes. net weight 8 oz. \* \* \* It is guaranteed \* \* \* to fully conform with the pure drug Laws."

The article was alleged to be misbranded in that the statements appearing on the label were false and misleading since boric acid is not an antiseptic when used as an eye wash; and in that it was in package form and did not contain an accurate statement of its weight.

On July 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**306. Misbranding of Coston's 6 and 3 Herb Compound. U. S. v. 62 Packages of Coston's 6 and 3 Herb Compound. Default decree of destruction. (F. D. C. No. 1805. Sample No. 65130-D.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On April 12, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 62 packages of the above-named drug product at Harlan, Ky., alleging that the article had been shipped in interstate commerce on or about January 17, 1940, by C. S. Coston from Lockwood, Tenn.; and charging that it was misbranded.

Analysis showed that it consisted essentially of plant drugs including aloe (a bitter drug), an alkaloid-bearing drug, a laxative drug, a trace of sodium benzoate, sugar, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling, (bottle) "Coston's 6 and 3 Herb Compound Recommended as Stomachic, Diuretic and Laxative Dose—Adults: One teaspoonful in water before meals. Children: In accordance with age. Regulate the dose to suit the action of bowels; not over two actions a day. As an occasional laxative 3 teaspoonfuls at bedtime," (carton) "Coston's 6 and 3 Herb Compound This preparation contains the extracted medicinal properties of six roots and three barks, recommended as Stomachic, Diuretic and Laxative," and (circular) "My newspaper, Six and Three News, will be sent free upon request, containing numerous statements from satisfied users from all parts of the United States, including California and Oregon. These statements will be in detail, telling

to what extent they were benefited, and for what maladies they were used," were false and misleading in that they created the impression that the article constituted an appropriate treatment in the conditions mentioned in the "Six and Three News" referred to in said statements, such as disorders of the stomach, liver and kidneys, rheumatism, impure blood, nervous affections, inflammatory rheumatism brought on by kidney troubles, stomach trouble, inflammation of the bladder, liver troubles, Bright's disease, sciatic rheumatism, and nervous indigestion; whereas it was not an appropriate treatment for these conditions and because the label failed to reveal facts material with respect to consequences which might result from the use of the article under the conditions of use above referred to.

On May 18, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**307. Misbranding of Diabet-Tea. U. S. v. 9 Packages of Diabet-Tea. Default decree of condemnation and destruction. (F. D. C. No. 3084. Sample No. 34721-E.)**

The labeling of this product contained false and misleading representations regarding its efficacy in the treatment of diabetes, and it also failed to bear the common or usual name of the drug from which it was made.

On September 26, 1940, the United States attorney for the Southern District of New York filed a libel against 9 packages of Diabet-Tea at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1940, by the Diabet-Tea Co. from Scranton, Pa.; and charging that it was misbranded.

Analysis showed that the article consisted of ground *Hypericum perforatum*, commonly known as St. Johnswort.

The article was alleged to be misbranded in that the statements appearing on the label, "Nature's Food Diabet-Tea for Diabetes The Contents of this Package has been carefully prepared for the Use of Those who Suffer from Diabetes," were false and misleading. It was alleged to be misbranded further in that the label did not bear the common or usual name of the drug.

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**308. Misbranding of Milk of Soya Bean. U. S. v. 2 Cases of Milk of Soya Bean. Default decree of condemnation and destruction. (F. D. C. No. 1704. Sample No. 13603-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 25, 1940, the United States attorney for the Western District of Washington filed a libel against 4 cases of powdered milk of soya beans, alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by Radcliffe's [Radcliffe Soya Products] from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: "A nerve, brain and gland rejuvenator \* \* \* for \* \* \* diabetics."

Analysis showed that the product was a mixture of powdered soya beans and powdered milk.

It was alleged to be misbranded in that the statements appearing in the labeling, "A nerve, brain, and gland rejuvenator \* \* \* for \* \* \* diabetics," were false and misleading since the said statements represented that the article was efficacious for the purposes recommended; whereas it was not efficacious for such purposes.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods reported in food notice of judgment No. 1336.

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**309. Misbranding of Oster Massagett. U. S. v. 12 Packages of Oster Massagett. Default decree of condemnation and destruction. (F. D. C. No. 1769. Sample No. 8077-E.)**

This device was an electric motor so constructed as to vibrate when it revolved, and fitted with an attachment whereby it was clamped to the back of the hand. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 9, 1940, the United States attorney for the District of Minnesota filed a libel against 12 of the above-named devices at Le Center, Minn., alleging that