

origin of insulin," "used daily by thousands of diabetics with best results. It is endorsed by Clinics, sanitariums and physicians," and "free from carbohydrates," appearing in the labeling, were false and misleading since they represented that the article was plant insulin, i. e., an insulin-like substance obtained from plants; that it consisted of substances which might be regarded as the origin of insulin; that it was endorsed in general by clinics, sanitariums, and physicians; and that it was free from carbohydrates, whereas it was not plant insulin; did not consist of substances which might be regarded as the origin of insulin; was not endorsed in general by clinics, sanitariums, and physicians; and was not free from carbohydrates, since it contained starch which is a carbohydrate.

On May 6, 1943, a plea of guilty having been entered, the court imposed a fine of \$300 and a sentence of 4 months in jail.

886. Misbranding of Glucocinine. U. S. v. Eric M. Boehnke (Ericus Products Co.). Plea of guilty. Defendant given suspended sentence of 1 year and placed on probation for 2 years. (F. D. C. No. 7252. Sample No. 47691-E.)

On April 3, 1943, the United States attorney for the Eastern District of New York filed an information against Eric M. Boehnke, trading as the Ericus Products Co., at Jamaica, N. Y., alleging shipment on or about December 11, 1941, from the State of New York into the State of Illinois of a quantity of Glucocinine which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of powdered plant tissues, including starch.

It was alleged to be misbranded in that certain statements appearing in the labeling were false and misleading in that they represented and suggested that the articles would be efficacious in the treatment of mild and medium cases of diabetes mellitus, that it would be efficacious to build up the pancreas gland (islets of Langerhans), that it would bring about gradual but lasting alleviation of diabetes; that its use would prevent constitutional breakdown and gangrene in diabetes, that it was more valuable than insulin in the treatment of diabetes, that it would act beneficially on the pancreas and would stimulate the pancreas gland to produce insulin of its own, and that by its use the diabetic could be more liberal in his diet and the tolerance of diabetics for carbohydrates would become greater and greater, whereas it would not be efficacious for such purposes.

It was alleged to be misbranded further in that the statements: "Glycocinine (Vegetable Insulin)," "The medical treatment as a whole in diabetes is for the most part unsatisfactory, unbiological and unscientific," "Honest and conscientious physicians have dropped it for mild and medium cases long ago," "Glucocinine (Plant Insulin) * * * Unlike regular insulin it has the exceptional quality of being able to be administered orally and still retain its full effectiveness. Indeed, it works more slowly than Insulin, but its results are much more permanent and hence more valuable. * * * in short the chief differences between Insulin and Glucocinine are these:—Insulin (important for first aid in severe cases) brings quick results but is habitual and by using it continuously the disease usually progresses. Whereas Glucocinine, on the other hand, works slowly but surely by which the progress of the disease recedes more and more and the tolerance for carbohydrates becomes greater and greater," were false and misleading since the article was not an insulin-like substance obtained from plants; medical treatment in diabetes is not for the most part unsatisfactory, unbiological, or unscientific; honest and conscientious physicians have not dropped insulin for all mild or medium cases of diabetes; the effects resulting from the use of the article were not permanent and were not more valuable than those resulting from the use of insulin; and the article did not differ from insulin only in the respects set forth in the statements aforesaid, but did differ from insulin in the further respect that insulin has the capacity, property, and power of reducing blood sugar, whereas the article Glucocinine did not have such capacity, property, or power.

On May 6, 1943, the defendant having entered a plea of guilty, the court imposed a suspended sentence of 1 year and placed the defendant on probation for 2 years.

887. Misbranding of menstruation tablets, herb tea, and hair pomade. U. S. v. Bernard McBrady (J. E. McBrady & Co.). Pleas of guilty. Sentenced to 1 hour in the custody of the United States marshal. (F. D. C. No. 7287. Sample Nos. 30484-E to 30487-E incl., 47868-E, 47869-E, 47871-E, 47872-E.)

On September 15, 1942, the United States attorney for the Northern District of Illinois filed an information against Bernard McBrady, trading as J. E. McBrady & Co., Chicago, Ill., alleging shipment on or about July 28 and 29 and December 12, 1941, from the State of Illinois into the State of Michigan of quantities of Menstruation Tablets, Herb Tea, and Hair Pomade.

Examination of the Delayed Menstruation Tablets showed the article to contain iron sulfate, extracts of plant drugs, including aloe, and an alkaloid-bearing drug, and oil of savin, coated with calcium carbonate colored red. The article was alleged to be misbranded in that the statements on the label, "Delayed Menstruation," and "For Painful, Suppressed, Profuse or delayed by Colds," were false and misleading as the drug was not efficacious for these purposes.

Examination of the Herb Tea No. 107 showed that the product consisted of senna leaves and pods, uva ursi, chamomile flowers, rosemary leaves, sage leaves, comfrey root, oak bark, orange peel sweet, unicorn root, condurango bark, peppermint leaves, and gentian root. The article was alleged to be misbranded in that the statements appearing on the carton and label represented and suggested that the drug was efficacious in the cure, mitigation, treatment, or prevention of "whites"; that it would save health and prolong life, afford relief from many ills and that it had great healing power, and would maintain life and good health to mankind, were false and misleading as the product was not efficacious for such purposes.

Analysis of Herb Tea No. 110 showed the product consisted essentially of senna pods, malva flowers, horehound, tansy herb, chamomile flowers, comfrey root, cinchona bark, ruta herb, and sage. The article was alleged to be misbranded in that the following statements appearing on the label were false and misleading as the product was not effective for the purposes represented or suggested: "For Delayed Menstruation Caused By Colds * * * Save Your Health Prolong Your Life * * * Relief For Many Ills * * * Great Healing Power * * * to maintain life and good health to man-kind * * * Delayed Menstruation * * * To Aid in bringing back Menstrual Periods delayed by Colds * * * Many Women Suffer more or less every month from delayed menstruation usually caused by colds. This tea is very effective and acts upon the conditions which cause the delays."

Analysis of Herb Tea No. 109 showed the product to consist essentially of senna leaves and pods, cinchona bark, orange peel sweet, comfrey root, clover tops red, sassafras bark, and sarsaparilla root. The article was alleged to be misbranded in that the following statements appearing on the label and in the circular accompanying the drug were false and misleading as the product was not effective for such purposes: "For Skin Eruptions For Minor Skin Eruptions and Pimples, on Face and Body" and "Save Your Health Prolong Your Life * * * For Skin Eruptions For Minor Skin Eruptions and Pimples, on Face and Body * * * The Skin Is An Index To Health Eruptions rarely form upon the surface unless there is something wrong with the system. It is sometimes necessary to treat such eruptions with internal remedies * * * Relief For Many Ills * * * Great Healing Power * * * to maintain life and good health to man-kind."

Examination of Herb Tea No. 114 showed the article to consist essentially of marsh mallow root, coltsfoot leaves, licorice root, mullein leaves, broom tops, and linden flowers. This article was labeled in part: "For Minor Chest Colds." It was alleged to be misbranded in that the statements in the labeling represented and suggested that the drug would be efficacious in the cure, mitigation, treatment, or prevention of minor chest colds, would save health, prolong life, and relieve many ills; that it had great healing power, would maintain life and good health to mankind, be effective for congestion and pain in the chest, would remove and prevent the feeling of oppression and tightness of congestion accompanying the pain in the chest, and irritating cough, were false and misleading as the drug would not be so efficacious.

Analysis of Herb Tea No. 124 showed the product to consist essentially of spearmint leaves, witch-hazel leaves, hops, chamomile flowers, red oak bark, uva ursi leaves, and unidentified plant material. The article was represented by its label "* * * as a wash for Sores, Ulcers," and "* * * also as a wash for Ulcers and other Sores." It was alleged to be misbranded as the drug was not efficacious in the cure, mitigation, treatment, or prevention of sores and ulcers, and it was not efficacious as a wash for sores and ulcers.

Examination of a sample of Herb Tea No. 104 showed the product to consist essentially of senna leaves, chamomile, cascara sagrada, elder flowers, dill seed, caraway, saffron (American), uva ursi, licorice root, peppermint, and sassafras. It was alleged to be misbranded in that the statements in the labeling represented and suggested that the drug was efficacious in the cure, mitigation, treatment or prevention of indigestion, poor appetite, sluggishness, gas, bloating, and biliousness, would save health and prolong life, would clear the accumulated poisonous gas from the colon, relieve a tired and "dopey" feeling, would make

the user feel like a new person, and would prevent toxins and impurities from developing and from being carried to every part of the body, were false and misleading as the article was not so effective.

Analysis of a sample of McBrady's Hair Pomade showed the product to consist essentially of a small proportion of a fatty acid such as stearic acid incorporated in a petrolatum and wax base. The article was alleged to be misbranded in that the statement in the circular accompanying the drug, which represented and suggested that it was efficacious in the cure, mitigation, treatment, or prevention of stubborn and falling hair; that it would give the hair a better chance to grow and cause it to grow faster, and would soften and limber the hair, were false and misleading as the product would not be so effective.

On October 7, 1942, a plea of guilty having been entered, the court imposed upon the defendant a sentence of 1 hour in the custody of the United States marshal.

888. Misbranding of saltpetre. U. S. v. Leon A. Achkinsy (Moore Drug Co.).
Plea of nolo contendere. Fine, \$150 and 2 years' probation. (F. D. C. No. 7704. Sample No. 83806-E.)

On October 19, 1942, the United States attorney for the Eastern District of Louisiana filed an information against Leon A. Achkinsy, trading as Moore Drug Co., New Orleans, La., alleging shipment on or about September 19, 1941, from the State of Louisiana into the State of Texas of a quantity of saltpetre.

The article was alleged to be misbranded in that the statements on the carton, representing and suggesting that it was "Antiseptic, Diaphoretic, Diuretic, Useful in Gastro-Intestinal Catarrh, Fevers, Asthma, Dropsy, Rheumatism, Etc." were false and misleading since the drug was not an internal antiseptic, a diaphoretic, or diuretic, and it would not be efficacious in the cure, mitigation, treatment, or prevention of the diseases mentioned, or the similar conditions suggested by the abbreviation "Etc."

On October 28, 1942, a plea of nolo contendere having been entered, the court imposed a fine of \$150. The imposition of a jail sentence was suspended and the defendant placed on probation for a period of 2 years.

889. Misbranding of Crab Orchard concentrated mineral water. U. S. v. Crab Orchard Mineral Water & Crystal Co., Inc. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 5572. Sample No. 27448-E.)

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

On or about August 29, 1942, the United States attorney for the Eastern District of Kentucky filed an information against Crab Orchard Mineral Water & Crystal Co., Inc., Crab Orchard, Ky., alleging shipment in the name of L. H. Goodwin & Co. on or about March 23, 1940, from the State of Kentucky to the State of Ohio of a quantity of Crab Orchard concentrated mineral water.

Analysis of a sample of this product showed that it contained dissolved mineral matter, chiefly magnesium and sodium sulfates, with smaller amounts of other salts.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that it would be efficacious in the treatment and alleviation of conditions for which a sojourn at a mineral spring health resort is customarily prescribed; that it would be efficacious in the relief of inveterate chronic diseases and in the treatment of sickness and suffering; that it would cleanse the system of poisonous toxins and waste matter, and remove the menaces to health resulting from constipation; that it would be efficacious in the treatment of diseases originating from disordered liver and kidneys, and would prevent attacks upon the blood corpuscles by toxins engendered in the system from defective filtration or cleansing; that it would prevent depletion of the nerve cells, and would safeguard beauty in women and keep men fit; that it would be efficacious in the treatment of constipation, rheumatism, headaches, influenza, auto-intoxication, sleeplessness, indigestion, and colds, and that it would keep the blood stream pure, be efficacious for the treatment of skin blemishes and eruptions, make the complexion youthful, clear, and smooth, keep the system internally clean, improve the appetite, and enable one to sleep and feel better, were false and misleading since the article would not be efficacious for such purposes.

On November 9, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.