

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16851-16875

[Approved by the Secretary of Agriculture, Washington, D. C., July 16, 1930]

16851. Misbranding and alleged adulteration of Nip-a-Co capsules. U. S. v. 15 $\frac{3}{4}$ Dozen Packages of Nip-a-Co. Default decree of confiscation and destruction. (F. & D. No. 23510. I. S. No. 03488. S. No. 1617.)

On March 15, 1929, 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 of the United States for said district a libel praying seizure and condemnation of 15 $\frac{3}{4}$ dozen packages of Nip-a-Co capsules, remaining unsold in the original packages at Wheeling, W. Va., alleging that the article had been shipped by Frederick Stearns & Co., from Detroit, Mich., on or about September 15, 1928, and transported from the State of Michigan into the State of West Virginia, and charging adulteration and 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 essentially of acetanilid, cinchonine sulphate, magnesium carbonate, capsicum, extracts of plant drugs including podophyllum and jalap, traces of salicylic acid, and alkaloids of aconite.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, viz, the container of the said article bore the statement "Each Capsule contains * * * and cod liver oil extract."

Misbranding was alleged for the reason that the statement on the container, "Each Capsule contains * * * with cod liver oil extract," was false and misleading in that the article contained no extract of cod-liver oil. Misbranding was alleged for the further reason that the said container bore the statements, "For the relief of * * * Neuralgia, La grippe," which statements were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 22, 1929, no claimant having appeared for the property, judgment was entered finding the product misbranded and subject to confiscation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16852. Misbranding of Cow Tone. U. S. v. 71 Small Cans, et al., of Cow Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23674. I. S. Nos. 09210, 09211. S. No. 1913.)

On May 1, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 71 small cans and 17 large cans of Cow Tone, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Our Husbands Manufacturing Co., Lyndon, Vt., on or about February 18, 1929, and transported from the State of Vermont into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.