

the article had been shipped by the Cleveland Von Co. from Cleveland, Ohio, on or about November 26, 1940; and charging that it was misbranded.

Analysis showed that the article consisted of a preparation of bile and extracts of plant drugs dissolved in alcohol (26 percent), and water.

The article was alleged to be misbranded: (1) In that statements in circulars entitled "Regol A Liver Medicine," representing that it was a rational and effective remedy for diseases of the liver, digestive disorders, fermentation and gas in the intestines, intestinal indigestion, sick headache, chronic constipation, chronic inflammation in the walls of the colon, commonly called colitis, catarrhal irritation of the intestines, disturbance of the bile secreting function of the liver, disease of the gall bladder and gall ducts, gall-bladder congestion, discomfort from the gall bladder, faulty flow of bile, belching, sour eructations, sensation of weight or oppression in the upper abdomen, symptoms of chronic dyspepsia, biliousness, yellow, sallow, blotched and itchy skin, gas in the intestines crowding the heart causing palpitation and unpleasant sensations around the heart, yellow jaundice; catarrhal irritation, congestion and underfunctioning of the liver, gall bladder, and gall ducts; that it would effect improvement in the biliary functions of the liver and gall bladder and in the drainage of bile from these organs and the entire gall tract; would improve the functions of the drainage of bile from weakened, sluggish organs; would improve the distress due to catarrhal irritation and functional impairment; would relieve and prevent misery caused by functional disorders of the liver glands or by irritation of the gall bladder due to thickened bile; would tend to reduce irritation and congestion, alleviate discomfort, and allay the catarrhal condition; would promote a more wholesome condition, increase the flow of bile, assist Nature in its healing work; and that it would produce beneficial results in a very short time, were false and misleading since it would not be efficacious for the purposes recommended. (2) In that the coined word "Regol," appearing on the label as a designation for it, was a false and misleading device meaning to the purchaser that the drug would be effective for the purposes named hereinbefore and that it had acquired such a meaning from the above-named circulars which were distributed to purchasers.

On January 27, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

503. Misbranding of Remas Oil of Herbs. U. S. v. 38 Bottles of Remas Oil of Herbs. Default decree of condemnation and destruction. (F. D. C. No. 3263. Sample No. 33065-E.)

On October 21, 1940, the United States attorney for the District of Massachusetts filed a libel against 38 bottles of Remas Oil of Herbs at Boston, Mass., alleging that the article had been shipped by the Requa Manufacturing Co. from Brooklyn, N. Y., on or about August 20, 1940; and charging that it was misbranded. It was labeled in part: "Remas Oil of Herbs (formerly Rheumaster)."

Analysis of a sample of the article showed that it consisted of oils such as sassafras oil and the oils of coniferous trees.

The article was alleged to be misbranded in that the statements on the bottle label, carton, and in an enclosed circular regarding its efficacy in the treatment of rheumatism or neuritis, were false and misleading since it would not be efficacious for such purposes.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

504. Misbranding of Tonico Fir-Veta. U. S. v. 68 Bottles of Tonico Fir-Veta. Default decree of condemnation and destruction. (F. D. C. No. 3845. Sample No. 7617-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter and falsely represented that it complied with the law. The carton containing the bottle was considerably larger than was necessary.

On February 21, 1941, the United States attorney for the Southern District of California filed a libel against 68 bottles of Tonico Fir-Veta at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 25, 1940, by El Modelo Medicine Co. from San Antonio, Tex.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of strychnine and quinine salts, small proportions of iron, calcium, manganese, and potassium compounds including hypophosphites, alcohol, and syrup.

The article was alleged to be misbranded in that its labeling bore representations that it would be efficacious to promote, retain, and insure health; that it would greatly aid Nature in her work in keeping one well, and would restore health, thus bringing lasting happiness; that it would be efficacious to rebuild children, increase their resistance and enable them to gain weight, would relieve children of overtension, and cause them to sleep more restfully; that it would be efficacious to tone up the system, stimulate or restore the appetite, and enable one to gain additional energy; that it would prevent tired nerves, disordered stomach, sluggish bowels, loss of appetite; and that it would be efficacious to keep the nerves fit and increase the vitality of working girls, which were false and misleading, since it would not be efficacious for such purposes.

It was alleged to be misbranded further in that the following statements in the labeling, "El Modelo Medicine Co. has complied with the new Federal Food, Drug, and Cosmetic Act. * * * The laws regulating the manufacture and sale of Drugs and Medicines for your protection, the new Federal Food, Drug, and Cosmetic Act, have been fully complied with, by 'El Modelo Medicine Co.,'" were false and misleading since it was not marketed in compliance with the Federal Food, Drug, and Cosmetic Act. It was alleged to be misbranded further in that its container (carton) was so made, formed, or filled as to be misleading.

On April 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

505. Misbranding of Torso Herb Vitamin. U. S. v. 2 Bottles of Torso Herb Vitamin. Default decree of condemnation and destruction. (F. D. C. No. 895. Sample No. 75468-D.)

On November 9, 1939, the United States attorney for the Northern District of Ohio filed a libel against 2 bottles of Torso Herb Vitamin at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by John Walters from Baltimore, Md.; and charging that it was misbranded.

Analysis showed that it consisted essentially of a fatty oil, an organic sulfur compound, turpentine oil, cade oil, methyl salicylate, and extracts of plant drugs including aloe, ginger, alcohol, and water.

The article was alleged to be misbranded in that the statement on the label, "used for: Nephritis, diabetes, dropsy, * * * high blood pressure, kidney and bladder, helps stomach," was false and misleading since it would not be efficacious for such purposes.

On January 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

506. Misbranding of Kephart's for Hair and Scalp. U. S. v. 140 Bottles, 37 Bottles, and 5 Bottles of Kephart's for Hair and Scalp. Default decree of condemnation and destruction. (F. D. C. No. 3102. Sample No. 6543-E.)

On October 1, 1940, the United States attorney for the District of Colorado filed a libel against 140 3-fluid-ounce bottles, 37 8-fluid-ounce bottles, and 5 32-fluid-ounce bottles of Kephart's for Hair and Scalp at Denver, Colo., alleging that the articles, which had been consigned by Kephart's (H. & E. Foor Co.), had been shipped on or about September 7, 1940, from Los Angeles, Calif.; and charging that it was misbranded.

Analysis of a sample of the article showed that it contained a small proportion of methyl salicylate dissolved in a mixture of mineral oil and saponifiable oils.

The article was alleged to be misbranded in that the following statements and designs in the labeling, "[Series of pictures showing children with various amounts of hair on their heads] Before * * * After Six Weeks * * * After Ninety Days * * * 'This case used only Kephart's (after trying various other treatments with no improvement). The picture tells the whole story.—Berkeley, California.' * * * Before * * * After 90 days * * * After 12 months * * * 'After consulting physicians who were unable to advise any beneficial treatment, our daughter's pictures show the amazing improvement since using Kephart's.—Livingston, Montana,'" were false and misleading since it was not effective in promoting the growth of hair.

On December 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.