

delivery at Hot Springs, Ark., on or about August 8, 1940, for introduction into interstate commerce from the State of Arkansas into the State of Missouri of a quantity of McFadden 3 Sisters Springs mineral water which was misbranded.

Analysis showed that the article was a lightly mineralized, mildly alkaline water consisting chiefly of calcium and magnesium bicarbonates, sulfates, and chlorides.

The article was alleged to be misbranded in that certain statements in the labeling which represented and suggested that it would be efficacious in the treatment of Bright's disease, diabetes, dropsy, pus in kidney, bladder and urethra, and other kidney, bladder, and urinary troubles, high and low blood pressure, enlarged prostate gland, paralysis, stones in kidney, and other urinary troubles, change of life, female irregularities, insomnia, anemia, nervous prostration, gout and hyperacidity; that it would be efficacious to maintain and restore health in apparently hopeless cases; would rejuvenate shattered nerves and weakened bodies; that it possessed the health-giving properties implied in the statement "Fountains of Health"; would be efficacious in advanced stages of kidney trouble, bladder and gall-stone misery, cystitis, rheumatism, arthritis, sciatica, diabetes, chronic constipation and resulting complications; that it would bring about renewed vitality and fitness; would help nature to discharge toxins which frequently cause serious ills and would flush out accumulated wastes which form poisons to attack the vital organs, the liver, kidney and bladder; that it would be efficacious in cases of faulty elimination and poor assimilation; would assist nature in the cleansing of each tissue, nerve and muscle, thus enabling nature's recreating and rejuvenating forces to carry new life thereto; would be efficacious to control the changes in tissue which produce old age and infirmities, and enable one to catch the rhythm of youth again; and would supply the minerals to keep the body tissues and fluids and organs in perfect running order, clarify the blood, promote physical repair and eliminate waste, were false and misleading since the article would not be efficacious for such purposes.

On September 7, 1942, the defendants entered pleas of nolo contendere and on September 28, 1942, the court suspended imposition of sentence during the period of compliance by the defendants with the Federal Food, Drug, and Cosmetic Act.

825. Misbranding of Cos-Tal Big C. U. S. v. Alvin M. Hitt (Cos-Tal Laboratories Co.). Plea of guilty. Defendant placed on probation for 2 years. (F. D. C. No. 6438. Sample No. 48977-E.)

On June 20, 1942, the United States attorney for the Southern District of Georgia filed an information against Alvin M. Hitt, trading as the Cos-Tal Laboratories Co., at Savannah, Ga., alleging shipment on or about October 7, 1941, from the State of Georgia into the State of South Carolina of a quantity of Cos-Tal Big C, which was misbranded.

Analysis of a sample of the article showed that it was an aqueous emulsion, containing volatile oils, including oil of sandalwood and resins.

The article was alleged to be misbranded in that the statement, "Big C is indicated in cases of un-natural discharges," borne on the bottle label was false and misleading since it represented that the article would be efficacious in the cure, mitigation, treatment or prevention of un-natural discharges, whereas it would not be efficacious for such purposes.

On October 3, 1942, the defendant having entered a plea of guilty, the court placed him on probation for a period of 2 years.

826. Misbranding of Heilmann's Formula "99." U. S. v. Frank J. Heilmann (Heilmann's National Distributors). Plea of guilty. Fine, \$50. (F. D. C. No. 7236. Sample No. 60896-E.)

On June 15, 1942, the United States attorney for the Southern District of California filed an information against Frank J. Heilmann, trading as Heilmann's National Distributors at Los Angeles, Calif., alleging shipment on or about August 7, 1941, from the State of California into the State of Oregon of a quantity of Heilmann's Formula "99" which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of potassium acetate, potassium iodide, resinous matter, colchicine, alcohol, and water.

It was alleged to be misbranded in that statements in the labeling which represented and suggested that it would act as a stimulant diuretic to the kidneys; would increase the flow of urine and produce a beneficial effect in gouty conditions; would prevent heart injury resulting from the pain, discomfort and ill

effects of gouty and rheumatic conditions; would be efficacious in the cure, mitigation, treatment, or prevention of rheumatism, articular acute rheumatism, arthritis, neuritis, sciatica, and neuralgia including facial, bronchial, anemic, diabetic, gouty, malarial, and syphilitic neuralgia; would prevent and give immediate relief from pain; would fortify the system against the recurrence of lumbago; would produce buoyant energy, pleasure in living and working, a keen appetite, and soundless sleep; and would strike at the cause of disease and thereby produce immediate benefit, were false and misleading since it would not be efficacious for such purposes.

On July 6, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$50.

827. Misbranding of Malitrate F-1. U. S. v. Organic Laboratories, Inc. and W. Warren Walters. Pleas of guilty. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 7653. Sample No. 84838-E.)

On August 24, 1942, the United States attorney for the Southern District of California filed an information against Organic Laboratories, Inc., Los Angeles, Calif., and W. Warren Walters, alleging shipment on or about December 8, 1941, from the State of California into the State of New York of a quantity of Malitrate F-1 which was misbranded.

Analysis of a sample of the article showed that it was concentrated apple juice.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that the article was efficacious in the cure, mitigation, treatment, and prevention of disease by reason of the alkalizing properties of its components; that it was efficacious in the cure, mitigation, treatment or prevention of gastro-intestinal disorders, hyperacidity, (acute indigestion) hyperchlorhydria, intestinal toxemia, diarrhea, constipation, and dysentery; that it was efficacious for use in convalescence from acute or chronic febrile diseases and was especially efficacious in the asthenias and wherever an alkalizing liquid diet was indicated; that it was efficacious in the cure, mitigation, treatment or prevention of post-operative nausea and of nausea due to pregnancy and seasickness, and of colds, influenza, pneumonia, stomach ulcers and obesity; that it was an efficient dietary regulator for undernourished children; that it would have an energizing effect on the tissues and would be efficacious in the cure and treatment of acute or chronic burns and of inflamed mucous membranes; that when administered as directed it was efficacious in the cure, mitigation, treatment, or prevention of mastoid cavities, open abdominal sinuses, and of various types of indolent ulcers; and would be efficacious in the cure, mitigation, treatment or prevention of ulcerated mouths, sore throats and Vincent's angina, and would in such cases, prove much more effective than the standard perborate treatment, were false and misleading, since the article would not be efficacious for such purposes.

On October 22, 1942, pleas of guilty having been entered on behalf of the defendants the court suspended imposition of sentence and placed them on probation for 1 year, the conditions of the probation being that they cooperate with the Food and Drug Administration and obey the instructions of the probation officer.

828. Misbranding of Bafaline Dental Cream and Bafaline Tablets. U. S. v. The Bafaline Laboratories, Inc. Plea of nolo contendere. Fine, \$30 on each of 4 counts. Payment suspended on all counts but the first. (F. D. C. No. 6450. Sample Nos. 36272-E, 36273-E, 51554-E, 51555-E.)

On May 13, 1942, the United States attorney for the District of New Hampshire filed an information against the Bafaline Laboratories, Inc., Manchester, N. H., alleging shipment on or about January 7 and July 18, 1941, from the State of New Hampshire into the State of Massachusetts of quantities of Bafaline Dental Cream and Bafaline Tablets which were misbranded.

Analyses of samples of the dental cream showed that it consisted essentially of calcium carbonate, magnesium compounds, soap, sodium borate, sodium benzoate, saccharin, and glycerin, flavored with oils of peppermint and spearmint. It was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious to prevent the formation of tartar and would keep the gums healthy and in a hygienic condition were false and misleading since it would not be efficacious for such purposes.

Analysis of the Bafaline Tablets showed that they consisted essentially of acetylsalicylic acid and caffeine, with indications of the presence of gelsemium. One shipment of the tablets was alleged to be misbranded in that the statements in the labeling which represented and suggested that they would be