

the membranes, and would eliminate toxic deposits from the tissues, whereas they would not be efficacious for such purposes.

On April 28, 1943, the defendant having entered a plea of not guilty and a jury having been waived, the case came on for trial before the court. During the course of the trial the information was amended in order to strike the circular alleged to have accompanied the Alimentone Powder and Tablets, and to substitute a different circular. No amendment, however, was made to the charges based on the stricken circular hereinbefore set forth. The case was concluded on April 30, 1943, with a finding of guilt by the court. A fine of \$200 was imposed.

930. Misbranding of Tonico Fir-Veta. U. S. v. Genevevo Gonzales Garcia (El Modelo Medicine Co.) Plea of guilty. Fine, \$25. (F. D. C. No. 6416. Sample No. 7617-E.)

On December 22, 1942, the United States attorney for the Western District of Texas filed an information against Genevevo Gonzales Garcia, trading as El Modelo Medicine Co., at San Antonio, Tex., alleging shipment on or about November 25, 1940, from the State of Texas into the State of California of a quantity of Tonico Fir-Veta which was misbranded.

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

The article was alleged to be misbranded in that certain statements appearing in the circular accompanying the article were false and misleading since they represented and suggested that the article would promote, restore, and insure health; that it would be efficacious to increase resistance in children, relieve them of over-tension, strengthen their bones and enable them to gain weight and sleep more restfully, and would correct the causes of nervousness, poor health and lack of energy in children; that it would be efficacious to stimulate the appetite and give additional energy and would keep working girls physically fit, give them a good appetite, and increase their vitality; that it would maintain a high body resistance and ward off colds, croup, and other infections, and would be efficacious in the treatment of tired, nervous, disordered stomach and sluggish bowels, whereas the article would not be efficacious for such purposes.

It was alleged to be misbranded further in that the statements: "El Modelo Medicine Co. has complied with the new Federal Food, Drug and Cosmetic Act," and "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.," appearing in the circular, were false and misleading since they implied that the article complied with the Federal Food, Drug, and Cosmetic Act, whereas it did not comply with such Act.

It was alleged to be misbranded further in that its container, a carton, was so made, formed, and filled as to be misleading, since the carton was much larger than was necessary to hold the bottle contained in it.

On January 22, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25.

931. Misbranding of Tuberculosis Compound. U. S. v. Emile Carpentier (Dr. Emile Carpentier, N. D.) Tried to court and jury. Verdict of guilty. Sentence, 1 year's imprisonment. Sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 7193. Sample No. 51921-E.)

On July 17, 1942, the United States attorney for the District of New Jersey filed an information against Emile Carpentier, trading as Dr. Emile Carpentier, N. D., at Hillsdale, N. J., alleging shipment on or about October 1, 1941, from the State of New Jersey into the State of Massachusetts of a quantity of a drug, described in the label as "Tuberculosis Compound," which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of plant material, sugars, a fatty substance, and water.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that it would cure, in from 6 weeks to 6 months time, tuberculosis of the lungs, the larynx, the bones, the intestines, the kidneys, and the brain, that it would be efficacious in the cure, mitigation, treatment, or prevention of chronic bronchitis, congested lungs, colitis, chronic gastritis, ulcerated duodenum, ulcerated stomach, and ulcerated intestines; that it contained tested exhilarating and vitalizing herbs, roots, and ingredients which would eliminate the germs ("bugs") of tuberculosis, were false and misleading, since the article would not be efficacious for such purposes.

On April 7, 1943, the case came on for trial before the court and a jury. The trial was concluded on April 8, 1943, and the jury returned a verdict of guilty. The court imposed a sentence of 1 year in the custody of the Attorney General, but suspended the sentence and placed the defendant on probation for 5 years.

932. Misbranding of "SNL." U. S. v. Mrs. Cora Lee Wiley (The SNL Co.) Plea of nolo contendere. Defendant placed on probation for 5 years. (F. D. C. No. 7247. Sample Nos. 944-E, 37930-E, 48065-E, 69586-E.)

The labeling of this product contained false and misleading therapeutic claims and did not bear an accurate statement of the quantity of the contents in terms of measure, or a statement of the quantity or proportion of the alcohol in the product.

On June 5, 1942, the United States attorney for the Middle District of Georgia filed an information against Mrs. Cora Lee Wiley, trading as the SNL Co., Adel, Ga., alleging shipment on or about May 27 and July 19, 1941, from the State of Georgia into the States of Florida and New Jersey of quantities of "SNL" which was misbranded. Portions of the article were labeled in part: (Bottle) "SNL (Suffer No Longer)."

Analysis of samples of this drug showed that it consisted essentially of iodine, boric acid, organic silver compound, iodide, sulfate, a small amount of magnesium compound, alcohol, glycerine, and water.

The drug was alleged to be misbranded in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents in terms of measure; and in that it was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of alcohol contained in the drug.

One shipment of the article was alleged to be misbranded further in that certain statements appearing in the labeling which represented and suggested that the article would end suffering; that it would be an effective relief for female trouble, soreness in the abdomen, and aching hips; that, when used with the positions described in the statements, it would aid in replacing the female organs and would relieve strained sore muscles, and that it would be effective as a dressing for the tenderest old sores and such were false and misleading since it would not be efficacious for such purposes.

The remaining shipments were alleged to be misbranded further in that certain representations in the labeling that the article would end suffering; that it was an effective relief for female trouble, soreness in the abdomen and aching hips; that it would prevent the aging process in the individual; that it would be effective in the treatment of infected female organs, nervousness, muddy, sallow complexions, aching head, hips, limbs, and other aches and pains; that it would be effective in the cure, mitigation, treatment, or prevention of a weakened condition due to female trouble; that it would protect women against every germ including tuberculosis, and would enable the user to overcome despondency, worry, poverty, half-aliveness, apathy, lethargy, resignation, and hopelessness; that it would enable the user to build health, happiness, strength, beauty, and to increase the length of life; that it would penetrate sore, congested organs at once; would relieve discharge or painful menses; that it would condition the female organs while in change of life; and that when used with the positions described in the labeling, it would relieve bearing-down pains, sore muscles, and would replace fallen wombs; and in that certain additional representations in the labeling of two of such shipments that the drug would aid in replacing the female organs and would relieve strained, sore muscles and that it would be effective as a dressing for the tenderest old sores and such were false and misleading since the drug would not be efficacious for such purposes.

On March 16, 1943, the defendant having entered a plea of nolo contendere, the court placed the defendant on probation for 5 years, conditioned that she should not deal in the above-named drug except with the consent of the Food and Drug Administration.

933. Misbranding of coconut milk and powdered milk of soya bean. U. S. v. John Bruno Radcliffe (Radcliffe Soya Products). Plea of guilty. Defendant placed on probation. (F. D. C. No. 7260. Sample Nos. 13603-E, 13800-E, 21643-E, 21644-E, 63220-E.)

On August 11, 1942, the United States attorney for the Northern District of California filed an information against John Bruno Radcliffe, trading as Radcliffe Soya Products, San Francisco, Calif., alleging shipment within the period from