struation, gastritis, uterine hemorrhage, influenza, intestinal disorders, kidney disorders, kidney inflammation, disorders of the liver, such as catarrhal gall ducts, cirrhosis (alcoholic) and enlargement, malaria, nausea and vomiting, orchitis, lack of resistance, tentany, duodenal, gastric, stomach, and peptic ulcers, intestinal ulcers, and tape and helminth worms; that it would be efficacious when used topically in the primary treatment of acne, boils, exzema, empyema, and hives; that the article would be efficacious in the primary treatment by pack method of hemorrhages, including uterine hemorrhages; that it would be efficacious, when used as directed, in the primary treatment of ameba, amenorrhea, calcium in lenses, catarrh, corneal ulceration, uterine cramps, cystitis, dysmenorrhea, ear infections, endocervicitis, endometritis, eye infections, fistula, hemeralopia, impetigo, keratomalacia, laryngitis, leg ulcers, leukorrhea, excessive, deficient and painful mentruation, miscarriage, opthalmia, vaginal and uterine polypus, rectal polypus, prostatitis, proctitis, psoriasis, respiratory infections, shingles, skin disorders, sty, loose teeth, uterine prolapse, vaginitis, varicose ulcers, varicose veins, and xerophthalmia; and that it would be efficacious, when used orally, in the secondary treatment of acidosis, alcoholic neuritis, ameba, angina pectoris, asthenia, asthma, boils, Bright's disease, calculi of the bladder and kidneys, faulty digestion, eczema, gall bladder inflammation, gallstones, gastro-intestinal disturbances, hay fever, hemophilia, biliary stasis of the liver, engorgement and jaundice of the liver, lymph infections, mal-petit-grand, malnutrition, nausea and vomiting of pregnancy, neurasthenia, old age, septicemia, and tuberculosis.

All of the articles were alleged to be misbranded further in that the statement in their labeling, "We hereby guarantee that all Vitamineral products listed herein are not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act of June 25, 1938," was false and misleading, since the articles were misbranded within the meaning of that Act.

The information alleged in count 1 that the product "Vitaminerals VM No. 1" was also misbranded under the provisions of the law applicable to foods, reported in notices of judgment on foods.

On September 27, 1943, the defendant having entered a plea on nolo contendere, the court imposed fines of $500 on count 1 of the information, which involved charges against the Vitaminerals VM No. 1 both as a food and a drug, and $500 on count 3, which involved the drug Vitaminerals VM No. 150, and placed the defendant on probation with respect to the remaining 3 counts which involved the other products.

**1042. Misbranding of Cel-Bio Mineral Tablets, Nos. 1 to 12, incl. U. S. v. Fred N. Haas (Cel-Bio Mineral Food Co.). Plea of guilty. Fine, $90 and costs.** (F. D. C. No. 8790. Sample Nos. 73341–E to 73351–E, incl., 73558–E to 73564–E, incl.)

On May 12, 1943, the United States attorney for the District of Nebraska filed an information against Fred N. Haas, trading as the Cel-Bio Mineral Food Co., Omaha, Nebr., alleging that he had shipped, on or about May 7 and 8, 1942, from the State of Nebraska into the State of Iowa, quantities of Cel-Bio Mineral Tablets Nos. 2, 3, 4, 5, 8, 9, and 11, which were misbranded; and that within the period from on or about October 1 to 22, 1941, the defendant had repacked and relabeled quantities of Cel-Bio Mineral Tablets Nos. 1, 2, and 3, and Nos. 5 to 12, inclusive, while they were being held for sale after shipment to him in interstate commerce from the State of Illinois into the State of Nebraska, which acts by the defendant resulted in the misbranding of the products.

Analysis of the No. 9 Tablets showed that they consisted essentially of lactose containing a minute amount of sodium chloride. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that the tablets would enable one to wake up in the morning with pep; and that they were efficacious in the cure, mitigation, treatment, or prevention of sneezing, water discharge from the eyes, nose, or any part of the body, hay fever, rose fever, vomiting of water and mucus, water blisters on the skin, diarrhea, slimy, transparent stools, inflammation of the eyes, a salty taste in the mouth, periodical pains, drug poisonings, drug habits, painful swellings of the ankles or legs, dropsy, dandruff, dry skin, cold sores, and catarrh with watery discharge.

Analysis of the No. 8 Tablets showed that they consisted essentially of lactose containing a minute amount of magnesium phosphate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that the tablets would relax the nerves, relieve pain

due to mineral deficiencies or otherwise, aid in the formation of white fibers of the nerves and muscles, and overcome contraction of such fibers; and that they would be efficacious in the cure, mitigation, treatment, or prevention of intense pains, spasms, cramps, shooting pains, spasmodic pains, pains relieved by heat and aggravated by cold, shaking of the body, twitching of the eyelids, squinting, contracted pupils, sparks or colors before the eyes, dullness of sight from weakness of the optic nerves, spasmodic stammering, sensitive teeth, toothache, constricted feeling in the throat, hiccough, lockjaw, convulsions, epilepsy, St. Vitus dance, colic, menstrual colic, and whooping cough.

Analysis of the No. 4 Tablets showed that they consisted essentially of lactose containing a minute amount of iron phosphate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that the tablets would be efficacious in the cure, mitigation, treatment, or prevention of fever delirium, inflammation, congestion, soreness to touch or pressure, throbbing pains, pains made worse by movement, accidental injuries, cuts, bruises, burns, hemorrhage, nose bleed, dizziness caused by stooping, a rush of blood to the head, flushed face, high blood pressure, thin blood, slow digestion, belching, diphtheria, pneumonia, smallpox, chicken pox, measles, scarlet fever, tonsilitis, quinsy, pleurisy, rheumatism, and bleeding piles.

Analysis of the No. 2 Tablets showed that they consisted essentially of lactose containing a minute amount of calcium phosphate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that they would be efficacious to clear the complexion, to enable one to enjoy health and show it, and to bring about normal action of every fluid, organ, and tissue in the body, including the brain, heart, lungs, arteries, veins, bones, teeth, glands, skin, blood, and organs of digestion and assimilation; and that they would be efficacious in the cure, mitigation, treatment, or prevention of poor circulation, cold or numbness of the hands and feet, numbness in any part of the body, decaying teeth, all bone diseases, sluggish glands, sallow or dirty appearance of the skin, freckles, slow digestion, gas on the stomach ordinarily relieved by belching, the feeling of a lump in the stomach after eating, pain that becomes worse at night, aching bones, headache from wearing a hat, poor memory, colds from drafts, albumin discharge from any part of the body, albumin discharge in the urine (Bright's disease), teething disorders, peevish and fretful children, and too early menstruation in young girls.

Analysis of the No. 11 Tablets showed that they consisted essentially of lactose containing a minute amount of sodium sulfate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that the tablets would keep the body bile under control, rid one of a yellow complexion, maintain the right proportions of water in all tissues, and control bile function; and that they would be efficacious in the cure, mitigation, treatment, or prevention of a bitter taste in the mouth, vomiting, yellow color of the skin or eyes, liver spots, severe pains in the liver region, sick headache with vomiting, dark, greenish stools, gallstones, dropsy, jaundice, diabetes, giddiness, violent pains at the base of the brain, erysipelas, excessive secretion of urine, sandy deposits in the urine, gravel, kidney stones, asthma, a feeling of pressure and uneasiness in the heart region, ague, and chills with fever.

Analysis of the No. 5 Tablets showed that they consisted essentially of lactose containing a minute amount of potassium chloride. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that they would keep the blood stream balanced and thus would enable the user to avoid surgical operations; and that they would be efficacious in the cure, mitigation, treatment, or prevention of swollen glands, swelling with pain or soreness in any part of the body, coated tongue, thick white or gray discharge from any part of the body, earache with swollen glands and coated tongue, swollen tonsils, deafness from swelling or thickening of the drum, colds with thick white discharge, diphtheria, pneumonia, smallpox, chicken pox, measles, scarlet fever, mumps, tonsilitis, burns, and scalds.

Analysis of the No. 3 Tablets showed that they consisted essentially of lactose containing a minute amount of calcium sulfate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that the tablets would keep the body clean within, and would eliminate pus or filth from the body tissues and give one a healthy skin; and that they would be efficacious in the cure, mitigation, treatment, or pre-

vention of pimples, cuts or sores slow to heal, pus or matter from boils, carbuncles, ulcers, or abscesses on any part of the body, catarrh with a yellow pus discharge, lung trouble with thick yellow pus, cases of accidental injury which fail to heal, blood and pus or matter in the stools, inflamed eyes or gland trouble with pus discharge, gum boils, inflammation of the bladder with pus in the urine, and crust or scald head of children.

Analysis of the No. 12 Tablets showed that they consisted essentially of lactose containing a minute amount of silica. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that they would keep the blood stream clean, enable one to avoid surgical operations, eliminate pus from the body, and build hair, nails, skin, nerves, and bone tissue; and that they would be efficacious in the cure, mitigation, treatment, or prevention of falling hair, thin or brittle nails, unhealthy skin, pus discharge from any part or organ of the body, night sweats, sweating feet and armpits, the pus stage of boils, felons, ulcers, carbuncles, abscesses, fistula, eruptions on the face, tonsilitis characterized by pus formation, sties on the eyelids, a sore or sensitive scalp, pus in the urine, chronic gonorrhea, slow mental action, and heavy, pulling pain.

Analysis of the No. 10 Tablets showed them to consist essentially of lactose containing a minute amount of sodium phosphate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that they would prevent colds, overcome or control body acidity, and maintain a proper balance in the blood stream; and that they were efficacious in the cure, mitigation, treatment, or prevention of sour vomiting, belching, frequent head colds, stomach trouble with acidity, heartburn, indigestion, a red and blotched face, worms, canker sores, grinding of the teeth during sleep, headache, sick headache with vomiting, eyelids glued together in the morning, diarrhea with green stools, itching of the skin, and ulcerations.

Analysis of the No. 6 Tablets showed that they consisted essentially of lactose containing a minute amount of potassimu phosphate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that they were a brain or nerve food and would give one a clear brain, calm the nerves, and bring happiness; and that they would be efficacious in the cure, mitigation, treatment, or prevention of nervous dread, sleeplessness from nervous cause, worry or excitement, conditions aggravated by noise, brain fag from overwork, loss of memory, hysteria, paralysis, shortness of breath, palpitation of the heart, aches and pains relieved by gentle movement, conditions aggravated by mental exertion, a "gone" sensation in the stomach, hunger after eating, crying moods, cross, fretful children, bashfulness, despondency, worry, foul breath, a foul taste in the mouth, sudden dizzy spells, difficult speech, and the feeling of a lump in the throat.

Analysis of the No. 1 Tablets showed that they consisted essentially of lactose containing a minute amount of calcium fluoride. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that they would be efficacious in the building of vitality and would make one feel and look younger; that they would bring about perfect muscular action of the vital organs, including the heart, stomach, arteries, veins, and intestines; that they would aid in the formation of enamel on the teeth, the covering of the bones, and the elastic fiber of all muscular tissues; and that they would be efficacious in the cure, mitigation, treatment, or prevention of flabby muscles, double chin, flabby, enlarged abdomen, flabby heart, flabby valves (leakage of the heart), falling of the womb, piles, varicose veins, ruptures, flabby bowels, constipation, flabby arteries (low blood pressure), hardening of the arteries (high blood pressure), horny, rough skin, rough, thin, or brittle enamel on the teeth, a tired, "no-pep" feeling, a general bearing down feeling, cataract of the eye, and enlarged glands.

Analysis of the No. 7 Tablets showed that they consisted essentially of lactose containing a minute amount of potassium sulphate. They were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that the tablets would keep the pores of the skin healthy, promote elimination of waste through the skin, and carry oxygen and nourishment to the skin and scalp; and they would be efficacious in the cure, mitigation, treatment, or prevention of fever, chronic catarrh, shifting pains, hot and dry skin, coated tongue, discharge from a mucus surface, eczema, erysipelas, ivy poisoning, nettle rash, dandruff, whooping cough, pneumonia, yellow scales on the skin, eruption of measles, smallpox, and scarlet fever, and skin trouble with sticky, yellowish secretions.

The articles were alleged to be misbranded further because of false and misleading statements which represented and suggested, in the case of all the various products, that the tablets were guaranteed under the Food and Drug Act of 1906, and, in the case of portions, that they had been repacked in accordance with the provisions of the act of Congress known as the Federal Food, Drug, and Cosmetic Act of 1938 and complied in all respects with the requirements of that Act.

On June 3, 1943, the defendant having entered a plea of guilty, the court imposed a fine of $5 on each of the 18 counts, totaling $90 plus costs.

**1043. Misbranding of Balm and Gilead Herb Tonic, Manning's Asthma Plaster, Asthma Tea, D. R. Manning Asthma Salve, Manning's Princess Gaynell Hair Tonic, D. R. Manning Throat Gargle, D. R. Manning Antiseptic Douch Powder, Manning's Whoa Liniment, an article labeled "For Nervous Run Down Women," Blood Tonic, and Blood and Liver Capsules. U. S. v. Donald R. Manning (Manning Herb House). Plea of guilty. Defendant placed on probation for 3 years.** (F. D. C. No. 8781. Sample Nos. 80081–E to 80091–E, incl.)

On March 18, 1943, the United States attorney for the Northern District of Alabama filed an information against Donald R. Manning, trading as the Manning Herb House, Bessemer, Ala., alleging shipment on or about March 30, 1942, from the State of Alabama into the State of Ohio of quantities of the above-named products which were misbranded.

Analysis of the Balm and Gilead Herb Tonic showed that it contained plant drug extractives (no alkaloids), a small amount of gum resin, reducing sugar, and water, and possessed a balsam-like odor. It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of asthma cough and chronic cough; and that it would be efficacious as a tonic for persons afflicted with asthma cough or chronic cough were false and misleading since it would not be efficacious for these purposes.

Analysis of Manning's Asthma Plaster showed that it consisted essentially of dry ground mustard and ground black pepper. It was alleged to be misbranded in that the statement "Asthma Plaster," borne on its label, was false and misleading since it represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of asthma, whereas it would not be so efficacious. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the label of the article bore no statement of the quantity of the contents; and in that it was not designated by a name recognized in an official compendium; and it was fabricated from two or more ingredients and the label on its package failed to bear a statement of the common or usual name of each active ingredient.

Analysis of the Asthma Tea showed that it consisted essentially of roughly ground plant material. It was alleged to be misbranded in that the statement "Asthma Tea," borne on its label, was false and misleading since it represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of asthma, whereas it would not be so efficacious. It was alleged to be misbranded further in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents, since the package was labeled "Contents 3 Ozs.," whereas it contained materially less than 3 ounces of the article, i. e., 1.70 ounces net.

Analysis of the D. R. Manning Asthma Salve showed that it consisted essentially of a small amount of volatile oils, including menthol, eucalyptol, and camphor, incorporated in a petrolatum base. It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of head colds, headache, catarrh, hay fever, asthma, and sinus were false and misleading since the article would not be efficacious for those purposes.

Analysis of Manning's Princess Gaynell Hair Tonic showed that it contained a small amount of plant debris and bore a moderate odor of cardamon or lavender. It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it would be efficacious as a food or fertilizer for the hair, would feed the roots of the hair, and would act as a tonic for the hair were false and misleading since it would not be efficacious for those purposes.

Analysis of the D. R. Manning Throat Gargle showed that it consisted essentially of plant material, probably of citrus and pineapple origin, and