

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

water, preserved with sodium benzoate. 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 sore throat, hoarseness, and inflammation of the throat; that it would be efficacious as a tonic; and that it would remove goiters, were false and misleading since the article would not be efficacious for the purposes recommended.

Analysis of the D. R. Manning Antiseptic Douch Powder showed that it consisted essentially of boric acid and oxyquinoline sulfate in the respective proportions of about four to one. Bacteriological examination showed that the article was not antiseptic when diluted according to directions. It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article, in the dilutions recommended, was an antiseptic and would be efficacious as a douche in maintaining feminine hygiene were false and misleading since the article, in the dilutions recommended, was not an antiseptic within the meaning of the law, and would not be efficacious for the purpose recommended.

Analysis of the Whoa Liniment showed that it consisted essentially of an inflammable hydrocarbon capable of ignition with red hot metal, and that it contained mustard oil and camphor. 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 rheumatism, sciatica, lumbago, arthritis, hurts, pains, aches, head and back aches, cuts, and sores; and that it would cause aches and pains to disappear, were false and misleading since it would not be efficacious for those purposes.

Analysis of the article "For Nervous Run Down Women" showed that it consisted essentially of a small amount of plant debris, water-soluble plant extractives, and water. It was alleged to be misbranded in that the statement "For Nervous Run Down Women," appearing in its labeling, was false and misleading since it represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of nervous, run-down conditions in women, whereas it would not be efficacious for those conditions.

Analysis of the Blood Tonic showed that it contained plant debris, water-soluble plant extractives, and water, and possessed a foul odor suggestive of burdock or Jimson weed. It was alleged to be misbranded in that the statement in its labeling, "Blood Tonic," was false and misleading since it represented and suggested that the article was a tonic for the blood, whereas it was not.

Analysis of the Blood and Liver Capsules showed that they contained mercury (about 10 percent) and black pepper.

The article 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 diseases or disorders of the blood, liver, stomach, and bowels were false and misleading since the article would not be efficacious for those purposes. 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 in terms of weight, measure, or numerical count, since the envelope containing the article bore the statement "Quantity 44 Capsules," whereas the envelope contained 14 capsules.

On June 30, 1943, the defendant having entered a plea of guilty, the court placed him on probation for a period of 3 years.

1044. Misbranding of Rheumatox. U. S. v. Arnold Nydegger (Rheumatox Co.).
Plea of guilty. Fine, \$250. (F. D. C. No. 8737. Sample Nos. 91680-E,
1406-F.)

On December 31, 1942, the United States attorney for the Northern District of Ohio filed an information against Arnold Nydegger, trading as the Rheumatox Co., Cleveland, Ohio, alleging shipment on or about April 20 and July 15, 1942, from the State of Ohio into the State of Michigan of quantities of Rheumatox.

Analysis of this article showed that it consisted essentially of an aqueous solution of sodium salicylate, methenamine, potassium citrate, potassium iodide, emodin-bearing drugs, and a small amount of alcohol.

The article was alleged to be misbranded in that the name under which it was sold, "Rheumatox," and the word "Rheumatox" in the firm name under which the defendant traded, were misleading since the name suggested and created in the mind of the reader the impression that the article would be efficacious in the cure, mitigation, treatment, or prevention of rheumatism, whereas it would not be so efficacious. It was alleged to be misbranded further because of false and misleading statements in its labeling which represented and