

and toxins from the system; and that it would be efficacious in removing the cause of uric acids and toxins in the system.

It was alleged to be further misbranded in that its labeling did not bear adequate directions for use since the directions provided for taking the article three times each day, whereas the article was a laxative and should be taken only occasionally and as needed; and in that its labeling failed to warn that the article should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present, or that frequent or continued use might lead to a dependence on laxatives to move the bowels.

On March 1, 1944, the defendant entered a plea of guilty and the court imposed a fine of \$250 and costs.

1155. Misbranding of Hamby's Dawson Springs Water. U. S. v. Dawson Springs Water Co., Inc., and William R. Whitford. Pleas of guilty. Fines, \$125 plus costs against each defendant. (F. D. C. No. 10617. Sample No. 42273-F.)

On February 15, 1944, the United States attorney for the Western District of Kentucky filed an information against the Dawson Springs Water Co., Inc., Dawson Springs, Ky., and William R. Whitford, president, alleging shipment on or about March 25, 1943, from the State of Kentucky into the State of Tennessee of a quantity of the above-named product.

Analysis disclosed that the article consisted essentially of Epsom salt and sodium sulfate, with small proportions of sodium chloride and calcium sulfate, and water. The carton in which the bottle containing the article was packed was materially larger than necessary.

The article was alleged to be misbranded (1) since it was a laxative and its labeling failed to warn that it should not be used when abdominal pains, nausea, vomiting, or other symptoms of appendicitis were present, and that frequent or continued use might result in dependence on laxatives to move the bowels; (2) in that its container was so made, formed, and filled as to be misleading; and (3) in that the statements appearing in its labeling which represented and suggested that the article consisted essentially of natural mineral spring water and derived its physiological activity principally from water obtained from natural mineral springs were false and misleading since the article consisted essentially of magnesium sulfate (Epsom salt) and sodium sulfate dissolved in water, and it derived its physiological activity in greater part if not entirely from its content of added magnesium sulfate and sodium sulfate.

The article was alleged to be misbranded further because of false and misleading statements in its labeling which represented and suggested that it would aid in natural elimination; that it would be effective as an alterative and blood tonic; that it would be healing to the mucous membrane; that it would be valuable in the treatment of all diseases of the teeth, bone, skin, and blood; that it would aid digestion and be of value in the treatment of diabetes; that it would appreciably neutralize acid in the stomach; that it was of value as a liver medicine and would act on the kidneys and aid in the treatment of rheumatism and gout; that it would stop secretion of uric acid, correct phosphate in the urine, and be of value in the treatment of Bright's disease; that it was a diuretic for rheumatism, gout, gravel, dropsy, gall stones, and similar conditions indicated by the abbreviation "etc."; that it was a tonic and nerve sedative, and would promote secretion of urine and be of value in the treatment of gastric disturbances, stomach troubles, indigestion, and the similar conditions indicated by the abbreviation "etc."; and that it was a valuable kidney remedy.

On May 1, 1944, the defendants having entered pleas of guilty, the court imposed a fine of \$125 plus costs against the corporate defendant, and a fine of \$125 plus costs against the individual defendant.

1156. Misbranding of Balm and Kru-Lax. U. S. v. Carl Fred Krueger (Oriental Laboratory). Plea of guilty. Fine, \$200. Sentence of 6 months in jail suspended and defendant placed on probation for 3 years. (F. D. C. No. 10625. Sample Nos. 46414-F, 46415-F.)

On January 29, 1944, the United States attorney for the Eastern District of Missouri filed an information against Carl Fred Krueger, trading as the Oriental Laboratory, St. Louis, Mo., alleging shipment from the State of Missouri into the State of Illinois of a quantity of Balm on or about March 22, 1943, and a quantity of Kru-Lax on or about April 8, 1943.

Analysis of the Balm disclosed that it consisted of small proportions of carbolic acid, creosote, camphor, and pine tar, incorporated in a base of petrolatum.

The article was alleged to be misbranded (1) in that its labeling failed to bear adequate warnings against use and against unsafe methods of application, since the article contained carbolic acid, and its labeling failed to warn that a bandage should not be used when the article was applied to fingers and toes, and that the article should not be applied to large areas of the body; (2) in that its label failed to bear an accurate statement of the quantity of contents since the labels on the bottles containing the article represented that they contained 1 ounce, whereas the bottles contained less than that amount; and (3) in that the statements on its label which represented and suggested that the article was an all-purpose ointment and would be efficacious in the cure, mitigation, or treatment of all burns, cuts, sores, and all other skin disorders, were false and misleading since the article was not an all-purpose ointment and would not be useful in many conditions for which other ointments are used, and would not be an efficacious treatment for the more serious burns or cuts, or for sores or the numerous varieties of skin disorders.

It was alleged to be misbranded further because of false and misleading statements on its labeling in regard to the "Kru-Lax," which represented and suggested that the Kru-Lax contained no drugs and would be efficacious for the purposes described below.

Analysis of the Kru-Lax disclosed that it consisted essentially of plant material including laxative drugs, Epsom salt, and small proportions of buchu, licorice, gentian, anise, and sulfur.

It was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it contained no drugs and would be efficacious in the cure, mitigation, treatment, or prevention of dizziness, indigestion, tired feeling, colic, stomach trouble, foul breath, loss of appetite, coated tongue, rheumatism, and a great majority of human ailments; that it would be efficacious in the treatment of biliousness and of conditions of the system where a gentle stimulus to the action of the bowels was desired; that it would give immediate relief in conditions arising from inactivity of the liver; that it would make the user snap back to the feeling of "rarin to go" fitness; that it would eliminate the left-over wastes that hold one back; and that it would be efficacious to make weak bowels healthy and restore their muscular contraction. The article was alleged to be misbranded further in that its labeling failed to bear adequate directions for use, since the directions on the carton, "Dose: Take regular at bedtime, one-third teaspoonful in one-fourth glass water," and "In taking Kru-Lax start with one-third teaspoonful * * * on the following day, if it causes more than two evacuations, reduce the dose accordingly, or it may be increased if necessary," implied that the article should be taken repeatedly or continuously, whereas the article was a laxative and should not be used repeatedly or continuously since such use might result in dependence upon laxatives to move the bowels.

On March 7, 1944, the defendant having entered a plea of guilty, the court imposed a fine of \$100 on each of 2 counts and sentenced the defendant to serve 6 months in jail. The jail sentence was suspended and the defendant was placed on probation for 3 years.

1157. Misbranding of Special Formula Tablets #2. U. S. v. 1 Drum of Special Formula Tablets #2. Tried to the court. Judgment for the Government. Decree of forfeiture and destruction. Judgment affirmed on appeal to the Circuit Court of Appeals. Application for writ of certiorari denied by the Supreme Court. (F. D. C. No. 5800. Sample No. 51270-E.)

On September 22, 1941, the United States attorney for the District of Massachusetts filed a libel against 1 drum containing 99,940 tablets of the above-named product at Boston, Mass., alleging that the article had been shipped on or about July 3 and August 7, 1941, from Buffalo, N. Y., by the Arner Co., Inc.; and charging that it was misbranded.

Analysis disclosed that the article contained an extract of a laxative plant drug such as cascara sagrada, sodium bicarbonate, and sodium citrate.

The article was alleged to be misbranded (1) in that its label failed to bear the common or usual names of the active ingredients in the preparations; (2) in that its labeling bore no directions for use; and (3) in that its labeling failed to bear adequate warnings, since the labeling did not warn the purchaser that the use of the article in case of abdominal pain, nausea, vomiting, or other symptoms of appendicitis might be dangerous and that frequent or continued use of the article might result in dependence upon laxatives to move the bowels.