

3117. Misbranding of Richard's Cough Syrup. U. S. v. 40 Dozen Bottles * * *. (F. D. C. No. 29102. Sample No. 72734-K.)

LIBEL FILED: May 5, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 22, 1946, from Baltimore, Md.

PRODUCT: 40 dozen bottles of *Richard's Cough Syrup* at Athens, Ohio, in possession of Luster Fought & Co.

LABEL, IN PART: (Bottle) "Richard's Cough Syrup Alcohol 8% Chloroform 2 Minims per ounce Active Ingredients: Syrup White Pine and Tar, Menthol, Extract Henbane, Alcohol, Chloroform * * * 3 Fluid Ounces."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading since they represented and suggested that the article was an adequate and effective treatment for all affections of the throat, acute and chronic coughs, colds, hoarseness, sore throat, bronchitis, whooping cough, loss of voice, and chronic conditions, whereas the article was not an adequate and effective treatment for such conditions; and, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient and the quantity of chloroform and hyoscyamus (henbane) alkaloids contained therein. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: June 7, 1950. Default decree of destruction.

3118. Misbranding of Farador devices. U. S. v. 1 Device, etc. (and 1 other seizure action). (F. D. C. Nos. 28724, 28725. Sample Nos. 61615-K, 61617-K.)

LIBELS FILED: February 17, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 12, 1949, by the Forwarding Co., from Englewood, Ohio.

PRODUCT: 2 *Farador devices* at Quincy, Ill., together with a number of small cotton pads and one back plate for use with the device, and accompanying printed matter consisting of 2 direction books, 1 booklet entitled "Guard The Health of the Home," and 2 booklets entitled "We Submit Proof."

The device consisted of a metallic cylinder closed at both ends. To one end was attached, by means of wires, two metallic plates which were to be applied to various parts of the body while the cylinder was immersed in cold water.

LABEL, IN PART: "Sole Makers The Farador Co. 21313 Trade Mark Farador."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the direction books and in the booklets were false and misleading since the device was not adequate or effective for the prevention, treatment, and cure of the diseases, conditions, and symptoms stated and implied. The statements represented and suggested that the device was adequate and effective for the prevention, treatment, and cure of most of the diseases of the human body, including, but not limited to, appendicitis, blood poison, tuberculosis, syphilis, spinal meningitis, apoplexy, convulsions, sexual debility, epilepsy, gonorrhea, infantile paralysis, malaria, paralysis, and heart disease.

DISPOSITION: March 22, 1950. Default decrees of condemnation. The court ordered that the devices, the cotton pads, the back plate, and the books and booklets be delivered to the Food and Drug Administration.