

4773. Misbranding of "Stuart's Calcium Wafers." U. S. * * * v. 24 Dozen Packages of "Stuart's Calcium Wafers." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7325. I. S. No. 3853-1. S. No. E-585.)

On April 6, 1916, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 24 dozen packages of a product called "Stuart's Calcium Wafers," remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by F. A. Stuart Co. (Inc.), Marshall, Mich., and transported from the State of Michigan into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel of information because the drug, packages and labels thereof bore and contained statements, designs, and devices regarding said drug and the ingredients and substances contained therein, that is to say, certain words appearing thereon of the tenor following: "As the preparation is perfectly harmless," "Children may take it with freedom and their delicate organisms thrive with its use," "They are entirely harmless"; "Containing no poisonous ingredients," "A perfectly safe remedy," "It can be safely used by any person, man, woman or child with the assurance that no possible injury can result from its use," which said statements, designs, and devices were false and misleading in that said drug was not a preparation that was perfectly harmless; children could not take said drug with freedom (that is to say, free from danger to their health); their (said children's) delicate organisms would not thrive on the use of said drug; said drug was not entirely harmless and did contain a poisonous ingredient, to wit, strychnine; and said drug was not a perfectly safe remedy and could not be safely used by any man, woman, or child with the assurance that no possible injury to any such person could result from such use of said drug. Misbranding was alleged for the further reason that the packages and labels of the article bore certain statements, designs, and devices regarding the curative and therapeutic effects of said drug, that is to say, "For Eruptions Scrofula * * * Constipation Humor Liver troubles * * * And all disorders and symptoms arising from impure blood," "For * * * blood disorders skin affections any derangement of the blood bowels kidney or liver," "Blood troubles and skin disease * * * calcium sulphide * * * The most powerful blood purifier known. Skin diseases are relieved when the blood is charged with this great eradicator The blood at once feels its influence and eruptions cease * * * No matter what degree of eruptive skin trouble you may have Stuart's Wafer Compound will purify and enrich the blood * * * The liver is aided the stomach reinforced and skin diseases are assailed from their source * * * For chronic or temporary blood disorders and skin diseases these wafers are without an equal * * * Should be used to enrich and purify the blood * * * Restoring the normal action of the bowels liver and excretory organs * * *," "For skin diseases eruptions boils and pimples the wafers act beneficially and satisfactorily in many cases causing the absorption of humors boils and carbuncles in a few days time * * * Will infuse renewed energy and strength into the exhausted nerves The overworked brain or muscular system * * * Containing in concentrated form all the elements to repair nerve tissue and depleted blood," "Will relieve and prevent constipation and thereby keep the liver and bowels in normal healthy condition," which said statements, designs, and devices were false and fraudulent in that said drug was incapable of producing the curative and therapeutic effects claimed therefor.

On May 19, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*