

16530. Misbranding of Fisher's Indian remedy. U. S. v. 2 Dozen Cans of Fisher's Indian Remedy. Default decree of destruction entered. (F. & D. No. 23460. I. S. No. 0523. S. No. 1639.)

On February 27, 1929, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen cans of Fisher's Indian remedy, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Indian Remedy Co., from Los Angeles, Calif., on or about August 27, 1928, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of laxative plant drugs including aloe, salicylic acid, and volatile oils including oil of anise.

It was alleged in the libel that the article was misbranded in that the following statements, (tin container and circular) "Made of Pure Roots and Herbs," (circular) "Combination of Nature's Remedies and Laxative Herbs in Tablet Form," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the tin container and in the accompanying circular, were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Tin container) "Indicated as an eliminant and laxative in treatment of Constipation, Stomach Troubles * * * Kidney and Liver Complaints, Rheumatism, LaGrippe, Coughs, * * * Influenza, Malaria, Chills and Fever, Catarrh, Asthma, Hay Fever, Pimples, Boils, and Diseases that arise from * * * Clogged Kidneys;" (circular) "Good Health. You don't know what pleasure is unless you have Health—Strength—Vitality. When your blood riots through your veins; when every nerve tingles with the ecstasy of life; when the world seems a mightly pleasant place after all; when the air you breathe is like wine; when no cloud is big enough to mar the horizon; and the worst misfortune seems to you but an obstacle to climb over—Then You Have Health * * * If You Don't Feel Well Use Fisher's Indian Remedy. * * * Fisher's Indian Remedy is a Wonderful Family Medicine. It is made of pure roots and herbs which are indicated as a Laxative Cathartic and Eliminant in the Treatment of Kidney Diseases, Constipation, Stomach Troubles, * * * Liver Complaints, Rheumatism, La Grippe, Uric Acid Troubles, Neuralgia, Malaria, Pains in the Back, Usually Caused from Constipation or Kidney Troubles, * * * Influenza, Chills and Fevers, Catarrh, Asthma, Hay Fever, Pimples, Impure Blood and Diseases which arise from Constipated Bowels or Clogged Kidneys. * * * For Indigestion or Stomach Troubles take one tablet after each meal. * * * For Kidney Diseases, Liver Complaints and Rheumatism, take one tablet in the morning and one at night before going to bed. For * * * Coughs, Malaria, Chills, Fevers, Influenza, and LaGrippe, take two tablets three times a day before meals until relieved. For Hay Fever, Catarrh and Asthma * * * For all other ailments the treatment is one or more tablets at night before going to bed. * * * Rheumatism, Kidney Diseases, Stomach Troubles. A combination of nature's remedies and laxative herbs in tablet form * * * Treatment of Diseases of the Kidneys, Liver, Stomach and Bowels."

On May 25, 1929, no claimant having appeared for the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16531. Adulteration and misbranding of Dr. Hollie's reducing crackers. U. S. v. 12 Dozen Cartons of Dr. Hollie's Reducing Crackers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23639. I. S. No. 07106. S. No. 1840.)

On April 23, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen cartons of Dr. Hollie's reducing crackers, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Cubbison Cracker Co. (Inc.), from Los Angeles, Calif., on or about March 20, 1929, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was a brown wheat cracker containing senna and mineral oil.

It was alleged in the libel that the article, considered as a food, was adulterated in that mineral oil and senna had been substituted in part for the said article, and in that it contained an added deleterious ingredient, senna, which might have rendered it injurious to health.

Misbranding of the article, considered as a food, was alleged for the reason that the statement "Crackers," borne on the label, was false and misleading when applied to an article containing senna and mineral oil, and in that the article was offered for sale under the distinctive name of another article. Misbranding of the article, considered as a drug, was alleged for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, (carton) "Reducing With Food Why Not? Food is what we are built of, and it will either build or reduce weight. People who are carrying excess weight are not necessarily sick. In fact, most of them are very healthy and happy. But if one has to run for a street car sometimes, or your dancing partner can't reach his arm around your precious anatomy, and right there and then you decide you want to reduce. Here are A Few Rules. Eat less candy and things made with white sugar; drink more water and less coffee and tea; eat more greens and less meat and butter; take a good hot salt bath every night, as follows: Put half pound epsom salts and half pound plain salt in bath tub; fill the tub with about five inches of hot water, then cover the tub with a blanket to keep in steam, then while in the tub (keep the heat out and cool) turn on a small stream of hot water until tub is filled, stay in and perspire for fifteen or twenty minutes. Drink lot of water before entering the tub. Take two or three of Dr. Hollie's reducing Crackers with every meal; they are made of greens, like spinach, endive, etc., herbs, like dandelion, licorice, etc., and mineral oil for shortening. They are safe for anyone, and not only reduce, but build up the general condition of health and beauty. Theo. Hollie Company of Los Angeles," (circular) "Dr. Hollie's Reducing Wafers Goodbye Fat! Dr. Hollie's Reducing Wafer will do it. Take two or three of Dr. Hollie's Reducing Wafers with every meal. They will not only reduce, but help build up the general condition of health and beauty," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein. Misbranding was alleged for the further reason that the following statements on the labeling were false and misleading: (Carton) "Dr. Hollie's Reducing Crackers * * * are made of greens, like spinach, endive, etc., herbs, like dandelion, licorice, etc."

On June 4, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16532. Misbranding of Bromalina. U. S. v. 30 Bottles of Bromalina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23686. I. S. No. 02139. S. No. 1914.)

On May 10, 1929, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 bottles of Bromalina at Ponce, P. R., alleging that the article was in possession of Moscoso Hno. & Co., S en C, Ponce, P. R., and was being sold and offered for sale in Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, bromoform, methyl salicylate, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, (bottle label, translated from Spanish) "Indications: Catarrhs, Coughs, Bronchial Affections, Grippe, Etc.," (carton label, one panel in English and 3 panels in Spanish) "In diseases of the Respiratory tract, Bronchitis, Catarrhs, Chronic Coughs, Hoarseness, etc. * * * [Translation] * * * for diseases of the respiratory tract, bronchitis, catarrhs,