

for * * * Sick Headache and Sea Sickness which are to a great degree, due to indigestion;" (circular) "A valuable remedy for indigestion * * * Not only will Pancreobismuth relieve indigestion but in many cases it will prevent disorders of the intestinal tract. It is equally resultful for Sick Headache, * * * Diarrhoea, Baby Colic (Cholera Infantum) and Seasickness." Misbranding was further alleged for the reason that the name of the article, "Pancreobismuth and Pepsin," the statement on the carton and bottle label, "A combination of the digestive ferments Pepsin, Pancreatin, and Diastase," and the statement on the carton, "Pancreatine converts albuminoids into peptones, starch into dextrine and sugar," were misleading, since the article contained but a negligible proportion of pancreatin and/or diastase.

On October 5, 1931, no claimant having appeared for the product, 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.*

19048. Misbranding of Jenkins' rheumatic medicine. U. S. v. 27 Bottles of Jenkins' Rheumatic Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26098. I. S. No. 8463. S. No. 4396.)

Examination of samples of Jenkins' rheumatic medicine showed that the bottle and carton labels contained representations that the article possessed curative and therapeutic properties which, in fact, it did not possess. Analysis showed that the article contained less alcohol than declared on the label.

On or about April 2, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 bottles of the said Jenkins' rheumatic medicine, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by McKesson Parker Blake Co., from New Orleans, La., on or about April 28, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The bottle and carton labels bore, among others, the following statements: "Rheumatic Medicine * * * For Inflammatory Rheumatism, first attack in adult males, * * * Where there have been previous attacks, the medicine should be longer continued. In Chronic Rheumatism, * * * 3 times a day until the pains are evidently decreased. * * * These pains will probably return at intervals of two or three days, for two or three successive times."

Analysis of a sample taken from this consignment showed that the article consisted essentially of salicylic acid (0.63 gram per 100 milliliters, 1.44 grains per tablespoonful), a small proportion of material derived from a plant drug, alcohol (32 per cent by volume), and water, flavored with anise oil.

It was alleged in the libel that the article was misbranded in that the statement appearing on the label, relative to the volume of alcohol contained in the article, namely, "48% Alcohol by Volume," was false and misleading. Misbranding was alleged for the further reason that the label did not state correctly the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the labels of the bottles and cartons containing the article bore statements regarding its curative and therapeutic effects, which statements were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On October 7, 1931, 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.*

19049. Misbranding of Espiritu Water No. 2. U. S. v. 4 Cases of Espiritu Water No. 2. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27302. I. S. No. 38888. S. No. 5482.)

Examination of samples of mineral water, labeled Espiritu Water No. 2, from the shipment herein described showed that the labeling contained unwarranted curative and therapeutic claims. Examination further showed that the analysis printed on the label was incorrect and that the quantity of contents was not declared as required by law.

On November 30, 1931, 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 the district aforesaid a libel praying seizure and condemnation of four cases of Espiritu Water No. 2, remaining in the original unbroken packages at Franklin, Mass., alleging that the article had been shipped by the Espiritu Water Co., from Safety Harbor, Fla., on or about October 26, 1931, and had been transported from the State of Florida into the State of Massachusetts, 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 dissolved mineral matter consisted chiefly of chlorides of sodium, magnesium, and calcium, sulphate of calcium, and bicarbonate of calcium.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "No. 2 Water is used for: Kidney Stones, Neuritis, Rheumatism and other Kidney Irregularities. The Fountains of Youth * * * These waters have actually cured Bright's Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Neuritis, Stomach and Bowel Troubles, Rheumatism, Eczema and Psoriasis. * * * in Diseases of the Stomach, Liver and Kidneys, Rheumatism, Neuritis and Kidney Stones. The waters from these Springs are famous for their miraculous cures;" (circular accompanying only one of the shipping cases, front) "Endorsed and recommended by some of the most renowned physicians for Bright's Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Cystitis, Neuritis, Calculus, Sciatica and all other forms of Rheumatism, also Catarrh of the Stomach and Digestive Troubles of the Stomach and Bowels; Chronic Skin Diseases, especially the Squamous varieties, and Chronic conditions due to Malarial Infections. Not only recommended, but actually cures. The waters from these Springs have performed miracles;" (back of circular) "For Diabetes this Water stands alone. Beneficial for many Kidney and Rheumatic Conditions." Misbranding was further alleged for the reason that the article was labeled and branded so as to deceive and mislead the purchaser, in that the label bore a statement of analysis that was false and misleading. Misbranding was further alleged in that the article was food in package form and did not bear a statement of the quantity of contents.

On December 29, 1931, 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.*

19050. Misbranding of Dr. Smiley's Pyrozone. U. S. v. 27 Bottles of Dr. Smiley's Pyrozone. Default decree of destruction. (F. & D. No. 26723. I. S. No. 25529. S. No. 4867.)

Examination of a drug product, known as Dr. Smalley's Pyrozone, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On June 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 bottles of Dr. Smiley's Pyrozone, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Smiley Medicine Co., from Augusta, Kans., on or about May 22, 1930, 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 tannin, sodium chloride, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Dr. Smiley's Pyrozone for Sore, Loose Teeth and Bleeding Gums, for Sore Throat * * * The most dreaded disease of the mouth is Pyorrhoea. Pus forming in the Pyorrhoea pockets is a common cause of indigestion and nervous exhaustion."