

Laboratories, from Portland, Oreg., in various consignments, on or about July 2, July 23, July 28, and August 7, 1931, and had been transported from the State of Oregon into the State of California, 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 boric acid, ammonia alum, phenol, and a trace of menthol. Bacteriological examination showed that the article was not antiseptic in the dilutions recommended for use.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the booklet accompanying the article, "A * * * germicidal douche * * * That is why Takara has proved so popular," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the booklet, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "The intelligence of the modern woman is saving her untold hours of suffering. An understanding of personal hygiene has taken the place of false modesty. Peace of mind has supplanted uncertainty and Takara with its many uses, its Safeness, its certainty has done much to bring this about. Health, Happiness, Takara is daily bringing health and happiness to thousands of women * * * Women whose health has been impaired find refreshment in the use of Takara. They find it a hygienic powder that does more than alleviate feminine disorders. It corrects them gently and safely. Daily use of Takara * * * possible for the busiest woman to provide herself with this safe hygienic protection; a daily protection that means as much to her health as care of the teeth * * * to miss even one Takara treatment is to lose part of the gain made * * * Takara is a remedy so precautionary, safe and healing * * * Common Sore Throat. Gargle throat every two or three hours * * * Skin Irritations * * * To allay itching and inflammation bathe affected parts."

On September 16, 1931, Raymond E. Taylor, owner of Takara Laboratories, Portland, Oreg., having appeared as claimant for the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that the pamphlet containing the objectionable statements be removed from the packages, and that the article should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19372. Misbranding of Nau's dyspeptic relief. U. S. v. Frank Nau (Inc.), Plea of guilty. Fine, \$150. (F. & D. No. 25736. I. S. Nos. 201, 06380, 018560.)

Investigation of the composition and labeling of the drug product, Nau's dyspeptic relief, showed that the article would not be effective as a relief and remedy for various ailments for which it was recommended.

On July 16, 1931, 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 the district aforesaid an information against Frank Nau (Inc.), a corporation, Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 17, 1928 and July 21, 1930, from the State of Oregon into the State of California, and on or about March 15, 1930, from the State of Oregon into the State of Utah, of quantities of Nau's dyspeptic relief, which was misbranded.

Analysis of a sample of the article by this department showed that the liquid consisted essentially of extracts of plant drugs such as berberis and glycyrrhiza, glycerin, alcohol, and water; and the tablets contained bismuth subnitrate, traces of ginger, peppermint oil, and sugars.

It was alleged in the information that the article was misbranded in that the statements, designs, and devices regarding the curative and therapeutic effects of the said article, appearing on the bottle, box, and carton labels, falsely and fraudulently represented that it was effective as a relief and remedy for dyspepsia, stomach troubles, indigestion, dilatation and catarrh of the stomach, distress after eating, returning of food into mouth, gnawing at pit of stomach, coated tongue, headache, dizziness, whereas the said article contained no ingredients or medicinal agents effective as a relief or remedy for the said ailments.

On February 27, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*