

fessed standard, since it was not the best ether that could be made for anaesthesia, and was inferior in vital respects to ether complying with the United States Pharmacopoeial standard.

Misbranding was alleged for the reason that the statements, "Ether * * * the best that can be made for anaesthesia * * * It is superior in vital respects to the ether of the U. S. P.," borne on the tins containing the article, were false and misleading.

On December 7, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19510. Misbranding of Tuttle's Family elixir. U. S. v. 1 1/4 Dozen Bottles, et al., of Tuttle's Family Elixir. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26316, 26317. I. S. Nos. 28464, 28465. S. Nos. 4606, 4607.)

Examination of a drug product, known as Tuttle's Family elixir, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels and in a circular shipped with the article. Analysis showed the presence of alcohol, which was not declared on the label.

On May 2, 1931, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four and one-half dozen bottles of the said Tuttle's Family elixir, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by Tuttle's Elixir Co., from Boston, Mass., in part on or about February 13, 1931, and in part on or about March 9, 1931, and had been transported from the State of Massachusetts into the State of Maine, 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 volatile oils including camphor and a coniferous oil, ammonia, ox gall, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the carton failed to bear a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lameness and Joint Affections * * * Recommended for Cholera Morbus, Diarrhoea, Lameness, Neuralgia, Toothache, Headache, Earache, Croup, * * * Caked Breasts, Lameness, Pain in the Side, * * * Corns, Bunions, Chilblains, Contracted Cords. Directions for Use;" (carton) "For Pains, Lameness, Stiff Joints, Sore Throat * * * Etc.;" (circular) "Testimonials * * * 'After suffering with inflammatory rheumatism till I was crooked and bent, with hands enlarged and fingers twisted out of shape, I know something of the intense pain and agony that dread disease inflicts. For the past three years I used crutches, and was unable to dress myself. Five different physicians tried their skill on me, and each decided I was incurable. I was simply in despair, and hoped for death as a relief from my misery. A friend advised me to try Tuttle's Elixir. I had used so much medicine that I hated to touch a bottle, but to my surprise I found that it relieved me within three days. The pain had subsided, and after the constant application of the Elixir for five weeks, the pain had left me entirely. I now walk without crutches, and can dress and care for myself.' * * * for the instant relief and speedy cure for poisoning from Gypsy and Brown Tail Moths. I tried many different preparations but received no benefit from any of them; but after applying your Elixir three times the irritation, itching and swelling was all gone and I will be pleased to tell anyone of my experience with your Elixir.' * * * I have been sadly afflicted with rheumatism in my feet for several months, and suffered great pain, so much so, it was with great difficulty that I could walk. I consulted several physicians, and tried every remedy of which I could hear, but experienced very little, if any, relief and became quite discouraged. One day I chanced to meet a friend who recommended Tuttle's Elixir, and advised me to try it. I did so and have used three bottles of it. My pain and lameness is all gone, and feel that I am myself once more, and I heartily recommend Tuttle's Elixir to all who are afflicted with rheumatism.' * * * 'You asked me to write after using the Family Elixir on myself two weeks. In reply, it affords me much pleasure to inform you that I am much improved. I feel

rejoiced in making such an improvement in so short a time, after spending hundreds of dollars for medical aid, besides being informed that my case was incurable. I am using the medicine both internally and externally, according to your directions. In short, I am beginning to feel natural, like I did in my boyhood days.' * * * 'I had a very bad attack of rheumatism last August, and after using only one bottle of your Elixir I was immediately relieved. I can heartily recommend your remedy to any one suffering from rheumatism.' * * * 'It affords me great pleasure to inform you that I have used your Elixir for rheumatism when I have been confined to my bed, unable to be moved, and suffered intense pain. After quite a period I was advised to try your Elixir for same, and called my doctor's attention to the fact. He said I might as well rub it on a post as to rub it on myself—the results would be the same. Nevertheless, I bought a bottle of it and in three days was able to be out, and I have now recommended it to my friends and neighbors who would not be without it in their houses.' * * * 'I have been suffering for nearly fifteen years from neuralgia in the head, and have tried various medicines for same, but have always had no results to speak of as being good ones. Finally I tried your Elixir, and it affords me great pleasure to say that the benefit that I received from it was astonishing to me. I have used several bottles of it and am now entirely cured.' * * * 'Allow me to tell a big story in regard to your Elixir. When you told me the other day that if I would call and get a bottle and use it for one day, if I was not cured you would give me \$100. I thought to have some sport with you, but I will now testify, very much to my surprise, that the rheumatism has all gone from my ankles, and I was able to walk as usual. I am sorry to lose the one hundred dollars, but glad to be well again.' * * * 'I have been confined to my bed by rheumatism, and was unable to attend to my duties, which were to take charge of a department in the machine shop, and was likely to lose my situation through my absence. After two months' illness, I was advised by a friend to try your Elixir. I did so. It relieved me after the first application. I was able the next day to go out, and have never lost a day's work since, and am now entirely well.' * * * 'I have been a sufferer from rheumatism and all joint complaints for over fifteen years. My friends pitied me, for I had tried all the doctors around us, but could not find any relief. After my last attack I could not raise my head from my pillow without taking my hands to raise it. During the day I got so I could move about, and I met a friend who said: "Robert, you do look bad. My brother's son, Lewis, has sent him some medicine from New York, and brother John died before it reached him. The directions say it is good for all complaints, and I am going to ask my sister-in-law to give me one of the bottles for you." She did so. I then read your directions on the box, and tried it on going to bed that night, in which I found a great relief, and on the third day I was a different man. I then sent and bought the other three bottles, but have only used one more, making two bottles, and to-day I consider myself a well man. I also recommended it to all my friends around, and was forced to give the balance of the medicine to others who have been suffering, also, and who are quite well to-day.' * * * my wife, who was suffering severely with rheumatism or neuralgia in her back and head, and was unable to sleep, and was getting in a bad state. From the first application by rubbing the pain began to leave, and she had a good, sound sleep. Also a gargle of the Elixir relieved her of a sore throat.' * * * 'Happening to see me one day, and noticing a big bunch or bunion on the first joint of the first finger of my right hand, caused by the long use of the blacksmith's hammer, your agent, Mr. John R. Lockwood, persuaded me to try your Elixir on it. This I was willing to do, as the bunion was sore and very troublesome, and getting more so; but I was surprised to find that one bottle removed the bunion entirely.' * * * Gives Relief From Pain. * * * For Pains, Lameness, Stiff Joints, * * * Sore Throat. * * * Read These Testimonials Directions For Using * * * Lameness and Joint Affections: Rub the parts freely with the Elixir, * * * Take ten to twenty-five drops before each meal, * * * Sore Throat: Bathe the throat with full strength Elixir. Gargle often with a solution of the Elixir made by one part Elixir to six parts of water. * * * Cholera Morbus: * * * Caked Breasts: * * * Lame Back: * * * Asthma: * * * Croup: * * * Sick Headache: * * * Coughs: * * * An Ordinary Headache: * * * 'For seventeen years I experimented continuously with doctors and remedies in a vain attempt to find something which would relieve the pains in my chest, which tortured me day and night. At the end of that time I tried your Elixir. The very first appli-

cation by means of hot flannel cloths, gave me my first real relief. Since then I have used it with increasing benefit and satisfaction * * * recommended.' * * * The gout came on very suddenly while at business. I met a friend who recommended Tuttle's Elixir, and I bought a bottle, and after using it for three days I was back in the city, ready for business again.' * * * 'I wish to add my testimonial to your list, in commendation of your Family Elixir for rheumatism. I was so badly off that I feared being a cripple. My limbs and joints were badly swollen, and very painful, and it was with difficulty that I could get about, when Mr. Barrows of Jamaica * * * asked me to accept and try a bottle of your Family Elixir. I tried it according to directions for three days, and at the end of that time there was such improvement that I was amazed. I have only used about two-thirds of a bottle, and am entirely rid of pain and lameness.' * * * 'My wife had the rheumatism so badly that she could hardly walk around the floor, and my daughter advised me to get a bottle of Tuttle's Family Elixir, which I did. I used it according to directions, and she got relief almost immediately. In a week or ten days the rheumatism had wholly disappeared, and I consider it one of the best household remedies which is on the market.' * * * 'What it has done for others it will do for you * * * 'Tuttle's Elixir has proved very beneficial to members of my family in cases of colic and indigestion. Also to apply externally for lameness and neuralgia. I can recommend it highly.' * * * 'I had a very severe attack of inflammatory rheumatism about four months ago, and was under best medical attendance for over a month, but I did not seem to get any relief. Having used three bottles of Tuttle's Family Elixir, I received not only relief, but believe I am permanently cured.' * * * 'I have suffered with neuralgia for years, and could find nothing to relieve me. The powerful applications I used even caused my hair to fall out on both sides. I was advised to use your Elixir, which I did, and to my great surprise it not only stopped the pain, but has also caused the hair to grow again.' * * * 'I had an attack of rheumatism last June. Could not get out of bed. It was in my knee joints. I used your Elixir and was cured in six days. Have not had an attack since. Also, has proved a valuable remedy for swollen joints and chilblains.'"

On July 11, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19511. Misbranding of Alkavis. U. S. v. 12 Bottles of Alkavis. Default decree of destruction entered. (F. & D. No. 27300. I. S. No. 45783. S. No. 5438.)

Examination of a drug product, known as Alkavis, from the shipments herein described disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels.

On November 27, 1931, the United States attorney for the Northern District of Alabama, 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 12 bottles of the said Alkavis, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., in part on or about August 29, 1930, and in part on or about February 11, 1931, and had been transported from the State of Indiana into the State of Alabama, 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 potassium nitrate, salicylic acid, extracts of plant drugs, glycerin, 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 were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "For Kidneys, Liver and Urinary Organs and Blood Impurities Due to Defective Action of the Kidneys, and Rheumatism;" (carton only) "For Rheumatism * * * for the Kidneys, Liver and Urinary Organs."

On June 11, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*