

the small of the back and aching back; and effective as a tonic stimulant for congestion or inflammation of the kidneys caused by overeating, overworking, or sexual excesses.

Misbranding of LaSalle's Uter-Tol tonic was alleged for the reason that certain statements, designs, and devices appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a tonic to the female generative organs; and effective to relieve all the nonsurgical ailments that are peculiar to women; and effective to relieve all the nonsurgical illnesses that are peculiar to women, such as painful, irregular, or suppressed menses, scanty or abundant menstruation, inflammation of the uterus or ovaries, colic, dizziness and pain in the abdomen; and effective as a valuable medicine in the critical periods of women's life and as a preventive of all pain and discomfort of the monthly period.

Misbranding of LaSalle's compound cough syrup was alleged for the reason that certain statements, designs, and devices, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as of great value in the treatment of all forms of coughs, hoarseness, asthma, bronchitis, whooping cough, croup, and all affections and inflammations of the throat, lungs, and bronchial tubes; effective to relieve the most obstinate cough by removing the cause; effective as a treatment, remedy, and cure for whooping cough and croup in children; and effective as a remedy for all forms of coughs.

Adulteration of LaSalle's antiseptic powder was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be antiseptic, when used as directed, whereas it was not. Misbranding of LaSalle's antiseptic powder was alleged for the reason that the statements, "A combination of the safest and most effective antiseptics" and "a local antiseptic", borne on the package, were false and misleading, since the article was not a combination of the safest and most effective antiseptics and was not a local antiseptic when used as directed. Misbranding of LaSalle's antiseptic powder was alleged for the further reason that certain statements, designs, and devices appearing on the labels of the packages falsely and fraudulently represented that it was effective as a treatment for leucorrhoea (whites) and inflammations or ulcerations of the vagina; and effective to allay inflammatory and catarrhal conditions of the vaginal mucous membrane and as a treatent for female disorders.

On February 20, 1933, the defendant entered a plea of guilty to each of the seven counts of the information, and the court imposed a fine of \$200 on count 1, and suspended sentence on the remaining counts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20558. Misbranding and alleged adulteration of Tablets Flu-Enza. U.S. v. 425 Tablets Flu-Enza. Adulteration charge dismissed. Misbranding charge confessed. Decree of condemnation and forfeiture. Product released to be relabeled. (F. & D. no. 24499. I.S. no. 011586. S. no. 2737.)**

Examination of the drug preparation Tablets Flu-Enza disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label. The sample of the article analyzed contained less than 3.15 grains of phenacetin, the amount declared on the label.

On February 3, 1930, 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 425 Tablets Flu-Enza at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about November 15, 1929, by the Direct Sales Co., Inc., from Buffalo, N. Y., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. In the libel as originally filed it was alleged that the bottle label bore the statement, "Phenacetin 3.5 grains." The libel was subsequently corrected to read "Phenacetin 3.15 Grains, etc."

Analysis of a sample of the article by this Department showed that it contained 2.79 grains acetphenefidin and 2.8 grains salol per tablet, and a small proportion of mercuric iodide.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, (bottle label) "Phenacetin 3.15 grains to each tablet", and fell below such professed standard.

It was further alleged that the article was misbranded in that the statement, "Phenacetin 3.15 grains to each tablet," was false and misleading, and in that the label failed to bear a statement of the quantity or proportion of acetphenetidin (phenacetin) a derivative of acetanilid, contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For Grippe, Influenza, Pneumonia, and other forms of Pulmonary Inflammation and congestion."

On February 15, 1930, the Direct Sales Co., Inc., Buffalo, N.Y., filed an answer to the libel denying the adulteration and misbranding charges. On March 29, 1933, the charges in the libel based on the alleged shortage in phenacetin were dismissed. On the same date the misbranding charge based on the curative and therapeutic claims having been admitted by the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20559. Misbranding of aspirin tablets. U.S. v. 19 Cartons of Aspirin Tablets. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29121. Sample no. 20708-A.)**

Examination of the shipment of aspirin tablets involved in this case showed that the labeling bore curative and therapeutic claims that were false and fraudulent.

On October 25, 1932, the United States attorney for the District of New Jersey, 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 19 cartons of aspirin tablets, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, by the American Pharmaceutical Co., Inc., from New York, N.Y., to Jersey City, N.J., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained approximately 5 grains each of acetylsalicylic acid (aspirin).

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 were false and fraudulent: (Display carton) "For Toothache \* \* \* Antiseptic Gargle \* \* \* for Rheumatism, Sciatica, Lumbago, Pain"; (leaflet) "For the alleviation of pain \* \* \* Directions Rheumatism, Lumbago, Sore Joints and Muscles— \* \* \* Acute Pain from Sciatica, Toothache."

On March 24, 1933, the American Pharmaceutical Co., Inc., New York, N.Y., claimant, having admitted the allegations of the libel 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 \$100, conditioned that the leaflet bearing objectionable therapeutic claims be removed from the packages and that the product be repacked in new display cartons approved by this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20560. Adulteration and misbranding of cactus butter. U.S. v. Thirty 1-Pound Cans of Cactus Butter. Default decree of condemnation and destruction. (F. & D. no. 28980. Sample no. 17204-A.)**

This action involved a product represented to be cactus butter and which was found to consist essentially of peanut butter with added oil and a trace of plant extractive material. Examination disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 14, 1932, the United States attorney for the District of Arizona, 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 thirty 1-pound cans of cactus butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about May 25, 1932, by the Health Food Distributors, from New York, N.Y., to Phoenix, Ariz., and charging adulteration and misbranding in violation of the Food and