

professed standard or quality under which it was sold, cactus butter. Adulteration was alleged under section 7 in the case of food, in that a substance, peanut butter, had been substituted wholly or in part for the article.

Misbranding was alleged under section 8 of the act, in the case of drugs, for the reason that the article was an imitation of and was offered for sale under the name of another article; and in the case of food, for the reason that it was an imitation of and was offered for sale under the distinctive name of another article. Misbranding of the article, considered as a drug, was alleged for the further reason that the following statements appearing on the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Cactus Butter is rich in sodium, iron, magnesium, potassium and all the mineral elements which are the building stones of the body. It stimulates, cleanses, revitalizes and restores normal functioning to the glandular system. \* \* \* It has a great affinity for atmospheric oxygen, thereby purifying the blood-stream, improving the circulation and removing pathogenetic waste. This results, among other things, in removing skin blemishes and improving the complexion. It has very pronounced solvent qualities and prevents calcareous accumulations in the joints, muscles and tissues. It changes the intestinal flora, thereby normalizing the chyme. It restores normal functioning of the heart, kidneys, bowels and all vital organs. It feeds the nerves and removes the cause and effects of paralysis, nervous prostration, neuralgia, neuritis, worry and fear." Misbranding of the article, considered as a food, was alleged for the further reason that the following statements on the label were false and misleading and deceived and misled the purchaser: "Cactus Butter \* \* \* This is a cactus butter compound \* \* \* guaranteed to comply with all the pure food laws throughout the world. \* \* \* A Latex from the Plant of Perpetual Youth."

On November 17, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

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

**20586. Adulteration of tincture digitalis and tincture aconite root. U.S. v. Smith, Kline & French Laboratories. Plea of guilty. Fine, \$600. (F. & D. no. 29356. I.S. nos. 38094, 38097, 38098.)**

This case was based on two shipments of tincture digitalis and one shipment of tincture aconite root that were represented to be of pharmacopoeial standard. Examination of the articles showed that the tincture digitalis had a potency of approximately three fifths of that required by the United States Pharmacopoeia, and that the tincture aconite root had a potency of approximately one third of that required by the pharmacopoeia.

On February 17, 1933, the United States attorney for the Eastern District of Pennsylvania, 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 Smith, Kline & French Laboratories, a corporation, Philadelphia, Pa., charging violation of the Food and Drugs Act. It was alleged in the information that the defendant company had delivered to Smith, Kline & French, Inc., Philadelphia, Pa., on or about September 2, 1931, September 22, 1931, and October 2, 1931, quantities of tincture digitalis and tincture aconite root; that the articles had been guaranteed by the defendant as complying with the Federal Food and Drugs Act; that they had been shipped by the said Smith, Kline & French, Inc., in the identical condition as when delivered and guaranteed by the said defendant, or about September 26, and October 10, 1931, from the State of Pennsylvania into the State of New Jersey; and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: (Bottles) "S-K-F Tincture Digitalis U.S.P. \* \* \* Tested physiologically and found to be of full strength on 7/9/31"; and "S-K-F Tincture Aconite Root U.S.P. \* \* \* Physiologically and found to be of full strength on 1-16-31 \* \* \* Smith, Kline & French Laboratories \* \* \* Philadelphia, Pa."

Adulteration of the tincture digitalis was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of the investigation, in that the pharmacopoeia provides that each cubic centimeter of tincture of digitalis should correspond to 0.083 milligram of ouabain,

whereas each cubic centimeter of the article corresponded to 0.050 milligram of ouabain, approximately three fifths of the requirement of the pharmacopoeia, and the standard of strength, quality, and purity of the article was not stated on the container. Adulteration of the tincture aconite root was alleged for the reason that it was sold under a name recognized by the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that the article, when administered subcutaneously to guinea pigs, had a minimum lethal dose of more than 0.00045 cubic centimeters for each gram of body weight of guinea pig, to wit, not less than 0.0013 cubic centimeter for each gram of body weight of guinea pig, whereas said pharmacopoeia provides that tincture of aconite, when administered subcutaneously to guinea pigs, should have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the articles was alleged for the further reason that they fell below the professed standard of quality under which they were sold, since they were represented to conform to the United States Pharmacopoeia, whereas they did not.

On March 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600.

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

**20587. Misbranding of O. K.-Lax. U. S. v. 10 Dozen Packages of O. K.-Lax. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28434. Sample no. 6636-A.)**

Examination of the drug preparation O. K.-Lax disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 27, 1932, the United States attorney for the Eastern District of Missouri, 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 10 dozen packages of O. K.-Lax, remaining in the original packages at Wellston, Mo., alleging that the article had been shipped in interstate commerce on or about May 17, 1932, by the Live Food Products Co., from Hollywood, Calif., to Wellston, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "O. K.-Lax by Paul C. Bragg \* \* \* formerly ALax \* \* \* O. K.-Lax Mfg. Co."

Analysis of a sample of the article by this Department showed that it consisted essentially of ground leaves, barks, roots, and fruits, including a laxative drug.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: "The Most Important Thing in the World. \* \* \* Banishes Disease Nervousness, Catarrh, Asthma, Diabetes, and many other diseases are caused by a polluted blood stream, which gets its start in a filthy intestinal condition. O. K.-Lax cleanses the intestines and thereby prevents these diseases. \* \* \* The Perfect Cleanser \* \* \* O. K.-Lax gets down to the roots of constipation and tears it out. O. K.-Lax \* \* \* produces normal bowel elimination. You will enjoy renewed vigor and 'Pep,' and better general health, \* \* \* Constipation Sufferers You Need This Great Book—Now—Learn the true secret of Perfect Health. Learn how to completely banish all disease, Nature's Way. \* \* \* My amazing new book 'Cure Yourself,' explains in detail my unfailing system by which you can get rid of any ailment. \* \* \* an intestinal cleanser. \* \* \* 'The Most Important Thing in the World' By Paul C. Bragg Proper bowel elimination is the most important thing in the world, because it is the very foundation of Health, and without Health we cannot have any degree of happiness. We can go without food for weeks and without water for days, but unless we expel from our bodies the waste from foods we have eaten, our whole system is poisoned with this foul residue, and serious consequences result. If we did not get rid of the waste and filth of a city it would not be long before the population would be poisoned and disabled by the city's dirt. So it is with the dirt and refuse of the human body. We must move this waste out. If it is retained the intestines become a poison factory within our own bodies and form the breeding ground for disease. Constipation is the dread, insidious