

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. S. Cheney Co., Inc., Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 28, 1932, from the State of Massachusetts into the State of Rhode Island, of a quantity of Cheney's red-clover flowers, and on or about February 28, 1932, from the State of Massachusetts into the State of Maine, of a quantity of Dr. Gardner's Kidneyaid that were misbranded.

Analyses of samples of the articles by this Department showed that Dr. Gardner's Kidneyaid consisted essentially of pipsissewa leaves, althea root, sassafras bark, and triticum; and that Cheney's red clover flowers consisted essentially of red clover flower (*Trifolium pratense*).

The information alleged misbranding of the red-clover flowers in that certain statements appearing on the package, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a thorough blood purifier and as the best medicine to use as a key to health and long life; effective as a treatment, remedy, and cure for rheumatism, swollen or stiff joints and neuritis, no matter how old the sufferer or how long standing the case; and effective as a treatment for cancers, cancerous conditions of the blood, scrofulous humor, pimples, and blood diseases, rheumatism and uric acid poisoning. The information alleged misbranding of Dr. Gardner's Kidneyaid in that certain statements on the packages falsely and fraudulently represented that it was effective as a kidney aid, and as a relief and cure for kidney, liver and bladder troubles; effective as a cure for Bright's disease, acute and chronic kidney, liver, bladder and urinary disorders; and effective as a thorough blood purifier.

On May 8, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

20937. Misbranding of Ferrac and Exto-Rac. U. S. v. 1,440 Bottles of Ferrac and 60 Bottles of Exto-Rac. Default decrees of condemnation, forfeiture and destruction. (F. & D. nos. 27216, 27217. I. S. nos. 21222, 21223. S. no. 5382.)

Examination of the drug products Ferrac and Exto-Rac involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the Exto-Rac also showed that it was not antiseptic, when used as a douche as directed in the labeling.

On or about November 23, 1931, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,440 bottles of Ferrac and 60 bottles of Exto-Rac at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce, the former on or about October 5, 1931, and the latter on or about October 9, 1931, by the Greenville Products Co., from Greenville, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that each of them consisted essentially of the sulphates of iron, aluminum, calcium, magnesium, sodium and potassium, and water.

It was alleged in the libel that Ferrac was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circulars shipped with the article, were false and fraudulent:

"Ferrac What It Is Red Blooded Men The expression, 'a red blooded man', is founded solidly on scientific fact, for scientific research in many laboratories has bit by bit revealed some fascinating and important ways in which the human body converts iron into energy, vigor and endurance. Iron is a part of the solid material of the red corpuscles and since nearly 200 years ago when scientists learned that iron is a necessary part of the blood, physicians have prescribed it as a builder of health and vigor. But it is essential that we get our iron from the right chemical compound. The body seems to prefer to take its iron as the metal leaves a compound in which it has been locked away, or while it is still in the nascent or new-born state. The mineral salts of iron have been found much better for yielding the nascent material desired for the body than the organic compounds put up by plants, because the mineral compounds are more easily broken down, and the iron, therefore, more easily taken by the body. Sulphate of iron as found in Ferrac is such a mineral salt, and when taken into the stomach, supplies the iron necessary

to make the blood a vigorous red, but it goes deeper and performs a most important function that organic iron will not perform. Blood is made in the marrow of the bones, and iron sulphate, as contained in Ferrac, goes straight into the delicate blood-making organs in their stout bones cases and stimulates their activity, thereby bringing the blood supply to a vigorous normal in quantity as well as a virile red in quality. There is still another function performed by iron in the blood, if taken in the form found in Ferrac, so that the body can readily use it. The blood flows from the veins into the hair-like capillaries, and finally, the individual corpuscles leave the capillaries and move separately and individually, through the tissues to every individual one of the countless millions of microscopic cells that make up the body. Like Tiny Workmen Like tiny workmen trundling wheelbarrows of building supplies for the ceaseless work of remaking the body, unloading the new materials at the point of use and bringing back for elimination the dead material of worn-out cells, the red corpuscles carry the food materials that have been prepared for body building by the digestive process. But the building materials unloaded by the little wheelbarrow workmen are still dead matter, and something must transform them into the living material for the body. It is not sufficient to put the new material into place, as new brick and mortar may be built into an old wall. It must be literally raised from the dead! It must be Made A Part Of The Living Body; Must Undergo A Transformation So Great, Yet So Subtle And Mysterious, That No Laboratory Researches Have Ever Seemed to Approach Within Hailing Distance Of The Explanation And Far Less Of Duplication. Just what causes the transformation we do not know, but it has been shown that it cannot take place without the presence on the spot of iron. Therefore, it does not sound unreasonable to say that the inert iron, taken by the body from an equally inert mineral salt, as sulphate of iron in Ferrac, touches the building material with a magic wand and causes it to spring into life. When the blood is a rich, warm red and in correct quantity, and the food material prepared by the chemistry of the body and carried by the corpuscles to the cells, is swiftly and completely transformed into living flesh to replace the wornout cells, then life flows in full tide through all the body and the world seems good. Muscles, Nerves, Glands. Calcium is a highly important item in Ferrac and performs many vital functions of the body. It is the principal ingredient of the bones and plays an important part in regulating the action of the muscles, nerves and glands. Rickets is a disease affecting children, but disorders of muscles, nerves and glands occur at all ages. The scientific name for transformation of food material into living tissues is metabolism, and rickets, therefore, is generally the result of faulty metabolism in the bones of growing children. But it may also be the fault of the food that contains too little calcium. The trouble, once it has developed, cannot be eliminated by increasing the supply of calcium, but it can be prevented by supplying sufficient calcium during the growing years, and then seeing that all conditions are right for the fullest metabolism of the calcium supply. We have seen how mineral iron salts promote metabolism in all parts of the body, bones included, and in Ferrac calcium and iron go hand in hand. The functions of the glands are extremely complicated, but we know they control many of the vital functions, and its ability to direct their action makes calcium as contained in Ferrac a highly important element in an immense and complicated array of functions, among them being ailments of the intestines."

Misbranding of the Exto-Rac was alleged for the reason that the following statements appearing on the label and in the circular, were false and misleading, when applied to an article that was not antiseptic when used as directed for a douche: "Antiseptic * * * Exto-Rac is a dependable antiseptic * * * and is especially recommended for the following conditions: * * * As A Douche * * * in the strength of two tablespoonsful to a quart of water." Misbranding of the said Exto-Rac was alleged for the further reason that the following statements appearing on the bottle label and in the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Circular) "For Eczema In both moist and dry eczema bathe off the scales with warm water, dry gently and apply Exto-Rac full strength on cotton. * * * Exto-Rac will be found most beneficial in cases of * * * itching or bleeding piles"; (bottle) "For Eczema, Sores."

On June 17, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.