

21520. Misbranding of Dr. Eells Vitalizing Blood Purifier. U. S. v. 23 Bottles of Dr. Eells Vitalizing Blood Purifier. Default decree of destruction. (F. & D. no. 30954. Sample no. 42796-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels. Analysis also showed that the article contained considerably less alcohol than 15 percent, the amount declared.

On or about August 18, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bottles of Dr. Eells Vitalizing Blood Purifier at Kansas City, Mo., alleging that the article had been shipped on or about March 30, 1933, by Dr. F. Eells & Son Co., from Centerville, Iowa, 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 magnesium sulphate, sodium chloride, extracts of plant drugs including a laxative drug, sugar, and water, flavored with methyl salicylate and sassafras oil.

It was alleged in the libel that the article was misbranded in that the statement, "Contains fifteen percent of alcohol", on the carton and bottle labels, was false and misleading, since analysis showed that the article contained considerably less than that amount of alcohol. Misbranding was alleged for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of alcohol contained in the preparation, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle label, and substantially the same statements on the carton, were false and fraudulent: "Vitalizing Blood Purifier * * * recommended by us in the treatment of sick headache * * * skin eruptions, indigestion and disorders arising from unhealthy condition of the stomach, liver and bowel * * * as will produce a natural evacuation from the bowels."

On September 25, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21521. Adulteration and misbranding of Manam Syldex. U. S. v. 100 Packages of Manam Syldex. Default decrees of condemnation and destruction. (F. & D. nos. 30100, 30348. Sample nos. 24986-A, 28838-A.)

Examination of the drug preparation Manam Syldex disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The labeling of the article represented it to be an accessory food containing *Plantago psyllium* and dextrin, whereas it contained no *Plantago psyllium*, no appreciable amount of dextrin, and had no food value.

On April 15 and April 24, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 139 packages of Manam Syldex at Washington, D.C. It was alleged in the libels that 100 packages of the article were being offered for sale at the premises of Albert Leach, of Washington, D.C., that the remaining 39 packages had been shipped in interstate commerce, on or about March 30, 1933, by the Natural Health Products Co., from New York, N.Y., into the District of Columbia, and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of approximately 80 percent of the seed of *Plantago ovata* and approximately 20 percent of brownish particles containing a considerable proportion of ground carob bean, cacao, a reducing sugar such as lactose and but a very small proportion, if any, of dextrin.

The libels charged that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it