

by Dr. J. O. Lambert, Ltd., from Troy, N.Y., 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 chloroform (0.91 minim per fluid ounce), creosote, volatile oils, including sassafras oil, menthol and methyl salicylate, magnesium sulphate (2.4 percent), a small proportion of a benzoate, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement appearing on the carton in English and French, "Each Ounce fluid Contains Chloroform U.S.P. 1¼ Minim", was false and misleading, since it contained less than 1¼ minims of chloroform per ounce. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle label) "For the relief of Coughs, * * * etc. * * * For Catarrh * * *"; (carton) "For Coughs * * * Bronchitis, Asthma." (Similar statements made in foreign languages.)

On January 12, 1934, Dr. J. O. Lambert, Ltd., Montreal, Canada, having filed a claim admitting the allegations of the libel and having paid the costs of the proceedings and deposited a cash bond in the sum of \$200 to insure compliance with the decree of the court, judgment of condemnation and forfeiture was entered. The court ordered that the product be delivered to the claimant and that it be destroyed, or in lieu thereof that the labels be obliterated and destroyed, and that new labels be affixed, describing the true nature of the product.

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

21980. Misbranding of Benson's Gen-Lax Liniment, Fo-Sen, and Wallace's Liverade. U. S. v. 54 Bottles of Benson's Gen-Lax Liniment, 8 Bottles of Fo-Sen, and 57 Bottles of Wallace's Liverade. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31684. Sample nos. 59177-A, 59178-A, 59179-A.)

Examination of the drug products involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed on the labels. The product known as "Liverade" failed to bear on the package an informative declaration of the quantity or proportion of alcohol contained in the article, since it was labeled, "Not over 15% alcohol", and contained 9.1 percent of alcohol by volume.

On December 8, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 bottles of Benson's Gen-Lax Liniment, 8 bottles of Fo-Sen, and 57 bottles of Wallace's Liverade at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about August 16, 1933, by the Ellis-Jones Drug Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part variously: "Benson's Gen-Lax Liniment * * * manufactured by Gen-Lax Med. Co. Mobile, Ala."; "Fo-Sen * * * Prepared only by Ellis-Jones Drug Co. * * * Memphis, Tenn."; "Wallace's Liverade * * * Manufactured by Liverade Medicine Co., Incorporated, Fulton, Kentucky."

Analyses of samples of the articles by this Department showed that the Benson's Gen-Lax Liniment consisted essentially of volatile oils, such as methyl salicylate and sassafras oil, red pepper extract, and a petroleum distillate, such as kerosene, colored red; that the Fo-Sen consisted essentially of extracts of plant drugs, including a laxative drug, alcohol, sugar, and water; and that the Wallace's Liverade consisted essentially of extracts of plant drugs, including a laxative drug, such as cascara sagrada, licorice, red pepper, sugar, alcohol (9.1 percent by volume), and water.

Misbranding of the Benson's Gen-Lax Liniment was alleged for the reason that the statements appearing upon the bottle and carton labels, regarding the curative or therapeutic effect of the article in the treatment of rheumatism, toothache, earache, sore throat, swellings, pains and aches, foot troubles, coughs, lame back and inflammation, catarrh of the head, nose, and throat, swollen gums, deafness, lumbago, stiff joints, colic cramps, cholera morbus, cholera infantum, diarrhoea, dysentery, and pains in the stomach and bowels, were false and fraudulent.

Misbranding of the Fo-Sen was alleged for the reason that the statements upon the bottle and carton labels, regarding the curative or therapeutic effect of the article in the treatment of weak and sluggish liver, chronic constipation,

torpid liver, biliousness, nervous and sick headache, indigestion, and inactive liver, were false and fraudulent.

Misbranding of the Wallace's Liverade was alleged for the reason that the statements upon the carton labels and the accompanying circular, regarding the curative or therapeutic effect of the article in the treatment of indigestion, sick headache, dizziness, biliousness, torpid liver, headache, fevers, habitual constipation, and piles, were false and fraudulent.

Misbranding of the Liverade was alleged for the further reason that the statement on the carton label, "Not over 15% Alcohol", was misleading, since it contained only 9.1 percent of alcohol by volume, and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect.

On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

21981. Misbranding of Dr. Jayne's Bryo-da Tonic Pills. U. S. v. 27 Packages of Dr. Jayne's Bryo-da Tonic Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31790. Sample no. 37882-A.)

Examination of the drug product 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 and in a circular shipped with the article. The circular also purported to declare the formula of the article. Analysis showed that this printed formula was incorrect and incomplete.

On or about December 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of Dr. Jayne's Bryo-da Tonic Pills at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 17, 1933, by Dr. D. Jayne & Son, Inc., from Philadelphia, Pa., 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 iron powder (0.039 gram per pill), calcium and manganese glycerophosphates, copper sulphate, and extracts of plant drugs, including red pepper and nux vomica.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading, since they were neither correct nor complete statements of the composition of the pills:

Formula—Each Pill Contains:

Ferr. Reduct.....	.0162 Gm.	Ext. Gentian.....	.0081 Gm.
Calc. Glycerophos.....	.0646 Gm.	Pulv. Glycrrh., Acac. & Sacros.	
Ext. Nux Vom.....	.0020 Gm.	Q. S.....	.3050 Gm.
Oleores Capsic.....	.0016 Gm.		

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent: (Bottle label) "Enriches Blood * * * Renews Vitality * * * enriches the blood, restores appetite, increases weight, strength and vitality. Splendid for nervous and physical exhaustion and general debility"; (carton) "For Blood Building * * * for Red Blood Vitality * * * Beauty for Underweight Anemia * * * Chronic Fatigue * * * For Weak Thin Nervous Men and Women * * * Strength for Underweight Low Vitality Chronic Fatigue"; (circular) "Reconstructive * * * A Systemic Aid for General Run-down Conditions, Lack of Vitality, Weakness and Loss of Appetite. * * * Rich, red blood is absolutely necessary to health and strength and as Iron is a most essential factor in making and maintaining rich, red blood, it is easy to see how important it is that the proper amount of Iron is constantly maintained in the human system. Under normal conditions the Iron necessary to supply the blood is absorbed from certain of the foods one eats, but when from Overwork, Illness, Loss of Blood (either from natural or accidental causes) and insufficient food, due to lack of appetite, the Iron necessary to supply the blood is deficient. The ordinary diet will not supply Iron rapidly enough and it therefore must be introduced into the