

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the circular shipped with the article, were false and fraudulent: "This Medicine has been used with such good effect that its results were formerly considered little short of miracles. It enters into the system, affecting various parts, and its virtues make themselves felt long after the medicine itself has been expelled by stool or urine. This Remedy has been recommended as being most excellent in stimulating the stomach and the digestive organs, and in so doing to help to purify the blood. * * * It is often used for scurvy, accompanied by proper regulation of the diet, and for worms. In these, and similar diseases, one should take twenty to twenty-five drops daily * * * Where there is an inclination of the eyelids causing, during the night, the accumulation of pus and humors on the lids, a little of this Remedy should be applied by wetting the tip of the finger (better a flock of cotton) with it and by holding this a few moments in the corner of the eye. In the same way it may be used on ulcers, sores, boils, abscesses, etc., * * * a desirable application to fresh sores and in certain affections in the gums by applying it to the affected part. All disorders of long standing, we cannot doubt, require a long and continued treatment before any benefit either from this or from any other remedy may be looked for, and when such disorders have been cured after such a long time the cure has been esteemed as almost a miracle."

On October 5, and November 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25131. Misbranding of Joyz Maté. U. S. v. 384 Cartons and 98 Tins of Joyz Maté. Default decrees of condemnation and destruction. (F. & D. nos. 35874, 35875. Sample nos. 15564-B, 16177-B, 16204-B.)

These cases involved a product the labeling of which contained unwarranted curative and therapeutic claims.

On August 7, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 384 cartons, each containing 6 tins, and 98 tins of Joyz Maté at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 28, 1934, by the International Maté Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of leaves of yerba maté.

The article was alleged to be misbranded in that the following statements borne on the packages, and similar statements contained in circulars shipped with the packages, were statements regarding the curative and therapeutic effects and were false and fraudulent: "The Vitalizing Drink * * * Joyz maté invigorates and combats fatigue. It is stimulating without harmful reactions. Joyz maté does not injure the nervous system. It may be taken freely at all meals and between meals. Many use it as a pick-me-up when suffering from fatigue. * * * The mystic plant, drawing life from the fertile soil and ideal climatic conditions, is gathered and cured by a protective process which produces this energizing drink. * * * Joyz Maté is unsurpassed as a standby for business men and women, people of action, mental workers and athletes. * * * Be sure to read of the remarkably invigorating qualities * * * For added mental or physical stimulation, add more Joyz leaves to make a stronger beverage. * * * Joyz Maté iced is an invigorating * * * summer drink."

On November 16, 1935, no claim having been entered, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25132. Misbranding of Armstrong's Sore Throat and Quinsy Drops. U. S. v. 666 Bottles of Armstrong's Sore Throat and Quinsy Drops. Default decree of condemnation and destruction. (F. & D. no. 35876. Sample no. 28636-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 6, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 666 bottles of Armstrong's Sore Throat and Quinsy Drops at Pittsburgh, Pa., alleging that

the article had been shipped in interstate commerce on or about May 22, 1935, by Nelson Baker & Co., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, alcohol, acetic acid, and extracts of plant drugs, including red pepper and blood root.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Label) "Sore Throat and Quinsy Drops"; (carton) "Quinsy * * * preventing and checking Quinsy. Directions Dose for adults, 6 drops in its purity; children, 1 to 3 drops, increased to 4 or 5 drops, with water to be taken every two hours, or in severe cases every hour for 5 or 6 hours. * * * A Sore Throat Remedy * * * Sore Throat and Quinsy Drops"; (circular) "Sore Throat and Quinsy Drops. Directions * * * to be taken every two hours or more frequently in severe cases. For Quinsy, soon as soreness is felt in the throat, take a good cathartic and use the Drops every hour for six or eight hours; then every two hours. * * * Common Sore Throat, about three or four doses generally gives the necessary relief. A Good Way is, to use these drops as soon as you feel soreness in the throat; by so doing, you may prevent serious throat trouble. * * * In severe cases we advise every hour for five or six hours until relieved."

On September 24, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25133. Adulteration and misbranding of Femi-gene Antiseptic Tablets. U. S. v. Glenn Morris and Orville Rooney (Morris Products Co.). Pleas of guilty. Fines, \$50. (F. & D. no. 35963. Sample no. 28301-B.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On November 6, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Glenn Morris and Orville Rooney, trading as the Morris Products Co., Urbana, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 28, 1935, from the State of Ohio, into the State of Missouri, of a quantity of Femi-gene Antiseptic Tablets that were adulterated and misbranded.

The article was labeled in part: "Femi-gene Antiseptic Tablets, Morris Products Co. * * * Urbana, Ohio."

Analysis showed that the article consisted chiefly of lactose, tartaric acid, sodium bicarbonate, and milk sugar. Bacteriological examination showed that it was not an antiseptic, did not guard against infectious germs, and did not have a powerful effect upon bacteria.

The article was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, since it was represented to be an antiseptic tablet and as effective in guarding against infectious germs and as having a powerful effect upon bacteria; whereas it was not an antiseptic tablet, it did not guard against infectious germs, and did not have a powerful effect upon bacteria.

Misbranding was alleged for the reason that the statements, "Antiseptic tablets" and "In spite of their powerful effect upon bacteria, there is no fear of any damage or harm to the delicate tissues", borne on the labels, were false and misleading, since the article was not an antiseptic and did not have a powerful effect upon bacteria. Misbranding was alleged for the further reason that the following statement contained in the circular shipped with the article, "The action provides complete protection, guarding against infectious germs often present in the vagina", was a statement regarding the curative or therapeutic effects of the article and was false and fraudulent.

On November 18, 1935, the defendants entered pleas of guilty and the court imposed fines totaling \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

25134. Misbranding of Holford's Inhaler. U. S. v. William J. Fink (The Holford Co.). Plea of nolo contendere. Fine, \$40. (F. & D. no. 35969. Sample no. 11887-B.)

This case was based on shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.