

contained therapeutically unimportant quantities, if any, of the ingredients named in the statement, with the exception of magnesium sulfate (Epsom salt); (3) its labeling failed to bear adequate directions for use since the directions suggested continuous administration of the article, whereas the article was a laxative and should not be administered continuously; and (4) its labeling failed to warn that the article should not be taken when nausea, vomiting, abdominal pain, or other symptoms of appendicitis are present, or that frequent or continued use of the article might result in dependence upon a laxative to move the bowels.

On April 3, 1944, the defendants having entered pleas of guilty, the court imposed a fine of \$100 on each of 2 counts, a total fine of \$200.

1258. Misbranding of Perry's Famous Peptone Pills and of another drug known as Natura, Nu-Vita, or Vita. U. S. v. Victor Edison Perry (V. E. Perry). Plea of guilty. Sentence of 3 months' imprisonment suspended, and defendant placed on probation for 1 year. (F. D. C. No. 11387. Sample Nos. 22653-F, 22779-F, 22868-F, 23606-F, 46323-F, 58424-F.)

On May 31, 1944, the United States attorney for the Eastern District of Pennsylvania filed an information against Victor Edison Perry, trading as V. E. Perry, Philadelphia, Pa., alleging that the defendant shipped and caused to be shipped quantities of the above-named drugs between the approximate dates of March 23 and November 9, 1943, from the State of Pennsylvania into the States of New Jersey, Delaware, Maryland, and Virginia, and from the State of New York into the State of Pennsylvania.

Analysis disclosed that the Peptone Pills consisted essentially of damiana, nuxvomica, zinc phosphide, calcium carbonate, starch, sugar, and coloring; and that the other product known as Natura, Nu-Vita, and Vita consisted essentially of Epsom salt, sulfur, sodium bicarbonate, and plant material including senna and cascara sagrada.

The article Peptone Pills was alleged to be misbranded (1) in that its name was misleading since it represented and implied that the article would be efficacious to restore and maintain pep and tone in the user, whereas it would not be efficacious for such purposes; (2) because of false and misleading statements and a design consisting of a picture of a bald-headed old man dancing with a young woman, which represented and suggested that the article would be efficacious to restore and maintain pep and tone in man, correct or cure weak nature and low courage, build up men 100 percent, and restore youthful vigor in old men; and that it would be efficacious in the treatment of worn-out, rundown, slow, sluggish, or low manhood, or weak vitality; and (3) in that it contained strychnine, and its label did not bear a statement of the quantity or proportion of strychnine contained therein.

The article Peptone Pills was alleged to be misbranded further because of false and misleading statements and designs in circulars entitled "Nature Means in Mexico New Life," "Are You Dizzy," and "Natura Will Help You Face the Bitter Winter With 100% Health," which accompanied the article, and which represented and suggested that another drug, "Natura," consisted solely of Mexican herbs and possessed the rejuvenating and health-giving properties implied in the expression "New Life"; and that it would be efficacious in the cure, mitigation, treatment, or prevention of high blood pressure, low blood pressure, sore back, rheumatism, backache, getting up nights, constipation, uric acid poisons, impure blood, headache, rough skin, pimples on the face, swollen tonsils, swollen and stiff joints, and catarrh; that Natura was a world-famous tonic, a wonder herb tonic, and the world's greatest spring tonic; that all sickness is caused by excess uric acid poisons; that Natura would maintain and restore perfect health and pep, would be of special value to persons over the age of thirty, would insure pure red blood, and would help the user to face the cold and hardships of winter with 100 percent health; and that it would be efficacious to reduce ugly fat and make the body beautiful, help clean the blood, and help destroy such symptoms of high and low blood pressure as dizzy, swimming head, nervous, short naps, tiredness, and sleeplessness.

The article bearing the names "Nu-Vita New Life [or "Vita"] Wonder Mexico-America Herb Powder," and "Natura New Life Wonder Mexico-America Herb Powder," was alleged to be misbranded (1) in that the names were false and misleading since they represented and implied that the article consisted solely of herbs; and that it possessed the rejuvenating and health-giving properties implied in the names, whereas it consisted in part of the mineral substances, Epsom salt, sulfur, and sodium bicarbonate, and did not possess the rejuvenating and health-giving properties implied in the names; (2) because of false and misleading statements and a design of an Indian scene with the legend "Picking

Wonder Herb Tea," on the labels, which represented and suggested that the article was a spring and summer tonic; that it was an herb preparation and would be efficacious to clean the blood; that it would be of special value to persons over the age of thirty, and that it would be efficacious in the cure, mitigation, treatment, or prevention of stomach distress due to excess acid, indigestion, headache, gas, constipation, rheumatism, and the various similar conditions indicated by the abbreviation "etc."; (3) in that its labeling failed to bear adequate directions for use since the directions appearing on the labels suggested and implied that the article should be taken continuously, whereas it was a laxative and continuous use might cause dependence on laxatives to move the bowels; and (4) in that the labeling failed to bear warnings that frequent or continued use might result in dependence upon laxatives to move the bowels.

A portion of the article known as "Natura" and "Nu-Vita" was alleged to be misbranded further because of false and misleading statements in the labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of dizziness from high and low blood pressure, in the treatment of backache, and in the prevention of getting up nights; and that another article, "Gen Sen," would be efficacious in the purification of the blood, and in the cure, mitigation, treatment, or prevention of high blood pressure, rheumatism, backache, getting up nights, child bed wetting, and swollen feet.

On June 16, 1944, the defendant entered a plea of guilty and the court imposed a sentence of 3 months' imprisonment, which was suspended, and placed the defendant on probation for a period of 1 year.

1259. Misbranding of Nervine, Q. B. Tonic, I-Do-Lax, Q. B. Skin Aid, Sen-San Diuretic Compound, Equine Antimalarial, and Veterinary Specific. U. S. v. J. W. Quinn Drug Co. and John W. Quinn. Pleas of nolo contendere. Corporate defendant fined \$50 on count 1, which was to be paid; also \$100 on each of the remaining 6 counts, which was suspended. Imposition of sentence against individual defendant was indefinitely suspended. (F. D. C. No. 10618. Sample Nos. 5851-F to 5853-F, incl., 5856-F, 5857-F, 9441-F, 9447-F.)

On March 23, 1944, the United States attorney for the Northern District of Mississippi filed an information against the J. W. Quinn Drug Co., a corporation, Greenwood, Miss., and John W. Quinn, president of the corporation, alleging shipment of quantities of the above-named products between the approximate dates of April 14, 1942, and January 30, 1943, from the State of Mississippi into the States of Tennessee and Louisiana.

Analysis of the Nervine disclosed that it was a light brown, aromatic, slightly turbid, salty liquid, consisting essentially of ammonium, potassium, and sodium bromides. The article was alleged to be misbranded because of false and misleading statements and designs in an accompanying circular which represented and suggested that the article would enable the user to sleep soundly and to become packed with energy; that it contained no substances which might be harmful; that it would be efficacious in the treatment of irritability and nervousness due to worry, overwork, and overexcitement; that it would preserve health, make one healthy, prevent sleepless nights, overcome a tired, lazy, no-good, run-down feeling, and enable the user to get a full, sound night's sleep and awake feeling refreshed.

Analysis of the Q. B. Tonic disclosed that it was a yellow, transparent liquid containing 1.84 grams per 100 ml. of quinine as quinine bisulfate, together with iron, magnesium, and nitrate. The article was alleged to be misbranded because of false and misleading statements in an accompanying circular which represented and suggested that the article would give the user energy, overcome laziness, and enable the user to sleep better; that it would be efficacious in the treatment of aches and pains in the back and legs, and in the cure, mitigation, treatment, or prevention of feverish or run-down conditions; and that it would improve the appetite and make the user feel energetic and strong.

Analysis of the I-Do-Lax disclosed that it was a clear, dark brown liquid, having a salty, slightly astringent taste, and consisting essentially of Epsom salt, potassium iodide, and iron chloride. The article was alleged to be misbranded because of false and misleading statements on its labels and false and misleading statements and a design in an accompanying circular which represented and suggested that the article would be efficacious in the treatment of disorders of the blood; that it would enable the user to overcome a run-down, tired, weak, and achy feeling; that it would be efficacious in the treatment of headaches, circles under the eyes, nervousness, gas and bloating, dry skin, backache, physical weakness, burning, smarting, itching, leg pains, swollen ankles, dizziness, loss of vigor, acidity, disturbed digestion, bladder weakness, and getting