

4775. Misbranding of "Stuart's Calcium Wafers." U. S. * * * v. 100 Gross of * * * "Stuart's Calcium Wafers." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7333. I. S. No. 2651-1. S. No. E-588.)

On April 19, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 gross of a drug product known as "Stuart's Calcium Wafers," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Stuart & Co., Marshall, Mich., and transported from the State of Michigan into the State of New York, the shipment having been received on or about April 4, 1916, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Stuart's Calcium Wafer Compound. For constipation, blood disorders, skin affections, any derangement of blood, bowels, kidneys, or liver. Directions * * * as the preparation is perfectly harmless * * *."

Misbranding of the article was alleged in the libel for the reason that the packages, circulars, and retail cartons with which and in which the article was packed contained the following statements as to the therapeutic effects of the article and of the ingredients and substances contained therein, to wit, (On box wrapper) "For eruptions, scrofula * * * constipation, humor, liver troubles * * * and all disorders and symptoms arising from impure blood." (On the box label) "For * * * blood disorders, skin affections, any derangement of the blood, bowels, kidney or liver." (On circular) "Blood troubles and skin diseases, * * * calcium sulphide * * * the most powerful blood purifier known. Skin diseases are relieved when the blood is charged with this great eradicator. The blood at once feels its influence and eruptions cease. * * * No matter what degree of eruptive skin trouble you may have, Stuart's Wafer Compound will purify and enrich the blood. * * * The liver is aided, the stomach reinforced and skin diseases are assailed from their source. * * * For chronic or temporary blood disorders and skin diseases these wafers are without an equal. * * * Should be used to enrich and purify the blood. * * * restoring the normal action of the bowels, liver and excretory organs. * * * For skin diseases, eruptions, boils and pimples. The wafers act beneficially and satisfactorily in many cases causing the absorption of humors, boils and carbuncles in a few days time. * * * Will infuse renewed energy and strength into the exhausted nerves, the overworked brain or muscular system * * * containing in concentrated form all the elements to repair nerve tissue and depleted blood. Will relieve and prevent constipation and thereby keep the liver and bowels in normal healthy condition," whereas, in truth and in fact, the said article contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed in the statements upon the packages, cartons, and circulars aforesaid. Misbranding was alleged for the further reason that the package and label of the drug bore the following statements regarding it or the ingredients or substances contained therein, which were false and misleading in the following particulars: (On box label) "If bowels do not move freely, double the dose as the preparation is perfectly harmless." (In circular) "Children may take it with freedom and their delicate organisms thrive with its use. * * * If obstinate constipation of the bowels is present the dose may be increased until satisfactory movement is secured, as they are entirely harmless * * * Stuart's Calcium Wafer Compound should be used in connection with Stuart's Dyspepsia Tablets, in all cases where the bowels are at all constipated as they remove this condition speedily, safely and without pain or griping. * * * Containing no poisonous ingredients * * * People who need a laxative, a good tonic and not a stimulant, or who suffer from skin eruptions, blood disorders or nervous weakness of any kind will find in these wafers a perfectly safe remedy. * * * Costs more than pills for constipation but is worth more than the difference in price because in the first place it is far safer. * * * Stuart's Calcium Wafer Compound contains no

alcoholic stimulant, opiate or mercury, iodide potassium or similar poisons. It can be safely used by any person, man, woman or child with the assurance that no possible injury can result from its use," which said statements were false and misleading in view of the presence of strychnine, a poisonous substance.

On May 15, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*