

**9830. Misbranding of Dr. Diemer's prescription for gonorrhœa and gleet, Manhood tablets, dyspepsia tablets, hot toddy, kidney and bladder tablets, treatment for piles, antiseptic female suppositories, rheumatic remedy, pennyroyal and tansy compound, special preparation for specific blood poison, and Laxative Grip-Malarine. U. S. \* \* \* v. Dr. F. W. Diemer Medicine Co., a Corporation. Plea of guilty. Fine, \$60 and costs. (F. & D. No. 13175. I. S. Nos. 9161-r to 9170-r, inclusive, 9200-r.)**

On January 20, 1921, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. F. W. Diemer Medicine Co., a corporation, Springfield, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Missouri into the State of Louisiana, on or about August 15, 1919, of quantities of Dr. Diemer's prescription for gonorrhœa and gleet, Manhood tablets, dyspepsia tablets, hot toddy, kidney and bladder tablets, treatment for piles, antiseptic female suppositories, rheumatic remedy, pennyroyal and tansy compound, and special preparation for specific blood poison, and on or about December 22, 1919, of a quantity of Dr. F. W. Diemer's Laxative Grip-Malarine, all of which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the prescription for gonorrhœa and gleet consisted of two preparations, internal pills containing, chiefly, magnesium sulphate, calcium sulphid, ferrous sulphate, and oil of cubeb, coated with calcium carbonate and keratin, and external tablets containing, chiefly, boric acid, lead acetate, zinc sulphate, and hydrastine; that the Manhood tablets consisted chiefly of sodium bicarbonate, reduced iron, zinc phosphate, and small amounts of capsicum, a laxative plant drug, and strychnine; that the dyspepsia tablets consisted chiefly of sodium bicarbonate, a laxative plant drug, and ipecac alkaloids; that the hot toddy consisted of tablets containing, chiefly, milk sugar, sodium bicarbonate, a laxative plant drug, and small amounts of ginger and capsicum, flavored with oil of cassia; that the kidney and bladder tablets consisted chiefly of sodium bicarbonate, potassium nitrate, and a laxative plant drug; that the treatment for piles consisted of suppositories containing cacao butter, borax, alum, and tannin-bearing plant material; that the antiseptic female suppositories contained cacao butter, borax, alum, and tannin-bearing plant material; that the rheumatic remedy consisted of tablets containing, chiefly, acetanilid, sodium bicarbonate, and a laxative plant drug; that the pennyroyal and tansy compound consisted of tablets containing, chiefly, plant material, including aloes, capsicum, potassium nitrate, and sand; that the preparation for specific blood poison consisted of tablets containing, chiefly, calcium carbonate, ferric oxid, potassium iodid, and small amounts of arsenic and mercury; and that the Grip-Malarine consisted of tablets containing acetanilid, sodium bicarbonate, aloes, and capsicum.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the boxes and wrappers containing the respective articles and in certain instances in circulars accompanying the same, falsely and fraudulently represented that the prescription for gonorrhœa and gleet was effective as a treatment, remedy, and cure for gonorrhœa and gleet; that the Manhood tablets were effective as a treatment, remedy, and cure for sexual and seminal weakness, rheumatism, neuralgia, catarrh, wasting diseases, nervous debility, impure blood, and all kindred diseases resulting from a worn out nervous system; that the dyspepsia tablets were effective as a treatment, remedy, and cure for dyspepsia, indigestion,

catarrh of the stomach, anæmia, and loss of flesh; that the hot toddy was effective as a treatment, remedy, and cure for indigestion, sick headache, jaundice, stomach ache, diarrhea, rheumatism, backache, neuralgia, hay fever, catarrh, asthma, la grippe, painful, suppressed, and irregular menstruation, headache, nausea, palpitation of the heart, blood, skin, kidney, and bladder diseases, raw or sore coat to the stomach, hardened or solidified callous liver, sore upper bowel, and weak, feverish, debilitated condition of the whole system; that the kidney and bladder tablets were effective as a treatment, remedy, and cure for backache, weak back, dropsy, congestion of the kidneys, inflammation of the bladder, scalding urine, and urinary troubles; that the treatment for piles was effective as a treatment for piles of every kind; that the female suppositories were effective as a treatment, remedy, and cure for leucorrhea or whites, lacerations, ulcerations, and all discharges from the vagina or uterus; that the rheumatic remedy was effective as a treatment, remedy, and cure for rheumatism, gout, lumbago, swollen or tender joints, crick in the back, stiff neck, pain in the side, and acute and inflammatory rheumatism; that the pennyroyal and tansy compound was effective as a treatment, remedy, and cure for suppressed, irregular, and painful menstruation; that the preparation for specific blood poison was effective as a treatment, remedy, and cure for specific blood poison or constitutional syphilis; and that the Grip-Malarine was effective as a treatment, remedy, and cure for grip, coughs, bronchitis, catarrh, malaria chills and fever, neuralgia, and malarial headache, when, in fact and in truth, the said articles contained no ingredients or medicinal agents effective for the purposes named. Misbranding was alleged with respect to the dyspepsia tablets for the further reason that the statement, to wit, "A purely vegetable remedy, free from all \* \* \* mineral \* \* \*," contained in the circular accompanying the said article, was false and misleading in that it represented that the article was a purely vegetable remedy free from all mineral, whereas, in truth and in fact, it was not a purely vegetable remedy free from all mineral, but was a product which contained bicarbonate of soda, a mineral substance.

On April 4, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$60 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9831. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 3 Barrels and 2 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 13850, 13851. I. S. Nos. 6410-t, 6409-t. S. Nos. E-2857, E-2858.)**

On December 16, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 barrels and 2 barrels of vinegar, at Netcong and Oxford, N. J., respectively, alleging that the article had been shipped by the Kistler Vinegar Works, Stroudsburg, Pa., on or about August 28 and 31, 1920, respectively, and shipped from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) " \* \* \* Pure Fermented Apple Cider Vinegar Reduced to 40 grains acid strength. Made by the Kistler Vinegar Works, Stroudsburg & Bethlehem, Pa. Unitus Brand."

Adulteration of the article was alleged in the libels for the reason that waste vinegar had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the statement, to wit, "Pure Fermented Apple Cider Vinegar," regarding the article and the ingredients and