

United States Department of Agriculture
SERVICE AND REGULATORY ANNOUNCEMENTS
BUREAU OF CHEMISTRY
SUPPLEMENT

N. J. 12651-12700

[Approved by the Secretary of Agriculture, Washington, D. C., February 16, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12651. Misbranding of Plough's Prescription C-2223. U. S. v. 3 Dozen Bottles et al. of Plough's Prescription C-2223. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17325, 17340, 17341. I. S. Nos. 4876-v, 4877-v, 4879-v. S. Nos. C-3918, C-3919, C-3920.)

On March 6 and 9, 1923, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 11 dozen bottles of Plough's Prescription C-2223, at Cincinnati, Ohio, consigned by the Plough Chemical Co., from Memphis, Tenn., in various consignments, namely, on or about August 12 and November 20, 1922, and January 19, 1923, respectively, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Ohio, and charging misbranding in violation of the food and drug acts as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment Of Rheumatism * * * In Severe Cases, take * * * until relieved;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lame Back, Blood Disorders, Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. * * * 'In * * * conditions due to tainted blood, it acts as a specific.' * * * the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases. * * * Prescription C-2223 has relieved * * * many thousands, suffering from Rheumatism * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin." A portion of the bottles were contained in cartons labeled in part: "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions." The remainder of the said bottles were contained

in cartons labeled in part: "Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions, Blood Disorders, Eczema, Chronic Sores and similar affections arising from bad blood."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of potassium iodide, extracts of plant drugs including colchicum, a trace of salicylic acid, anise flavor, glycerin, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the bottle labels and accompanying cartons and circulars bore statements regarding the curative and therapeutic effects of the said article, which were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the effects claimed, and the article was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On July 18, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12652. Misbranding and alleged adulteration of coal-tar color. U. S. v. One Pound Can Coal-Tar Color. Case tried to the court without a jury. Judgment for Government. Product ordered condemned. Case carried to Circuit Court of Appeals on writ of error. Product adjudged misbranded but not adulterated. Judgment of condemnation affirmed. (F. & D. No. 14796. I. S. No. 3238-t. S. No. C-2965.)

On April 15, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on July 30, 1921, an amended libel praying the seizure and condemnation of 1 pound can of coal-tar color, remaining in the original unbroken package at Waterloo, Ill., consigned by W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 18, 1921, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "1 Lb Net W. B. Wood Mfg. Co St. Louis, Mo. Warranted Complies With All Requirements Quality Color * * * Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

Misbranding was alleged in the libel as amended in that the statement appearing on the can containing the article, "Warranted Complies With All Requirements Quality Color," was false and misleading and in that the said article was labeled so as to deceive and mislead the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On September 12, 1921, the W. B. Wood Mfg. Co. having appeared as claimant for the property and a jury having been waived, the case came on for trial before the court. After the submission of evidence and arguments by counsel, the court, on November 10, 1921, delivered the following opinion and judgment (English, *D. J.*):

"This suit was instituted by the Government by filing a libel charging that the particular can of coal-tar color which is libeled was shipped or transported in interstate commerce and that it remained unsold and in the original package as shipped at the time it was seized by the officers of the Government.

"It further charges that the color contained in this can was packed with or had mixed with it salt, sodium chloride, and sodium sulphate, so as to lower and reduce and injuriously affect the quality and strength of the coloring matter contained in the can. It also charges that the sodium chloride and sodium sulphate had been substituted wholly or in part for the coloring matter and that the label was not correct according to the composition of the contents of the can. It also charges that this can of coal-tar color contained an added poisonous and deleterious ingredient, arsenic, which rendered it injurious or may have rendered it injurious to health. The libel further alleges