

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16001-16050

[Approved by the Secretary of Agriculture, Washington, D. C., June 22, 1929]

16001. Adulteration and misbranding of Lax-Krax. U. S. v. 30 Dozen Cartons of Lax-Krax. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22776. I. S. No. 17617-x. S. No. 758.)

On May 18, 1928, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 dozen cartons of Lax-Krax, remaining in the original unbroken packages at Denver, Colo., consigned by the Cubbison Cracker Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about March 29, 1928, and had been transported from the State of California into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it is a brown cracker containing the laxative drug, senna.

It was alleged in the libel that the article was adulterated, considered as a food, in that it contained an added deleterious ingredient which might have rendered it injurious to health, and in that senna had been substituted in part for the said article. Adulteration of the article considered as a drug was alleged for the reason that its strength or purity fell below the professed standard or quality under which it was sold.

Misbranding of the article was alleged for the reason that the following statements were false and misleading: (Blue circular) "100% Food 100% Laxative Now made possible by the Natural Science combination of whole grain, honey, and vegetation baked into a delicious cracker * * *. Epsom salts, Glauber, and a hundred other kinds, and remedies with aloes do not eliminate 'They Irritate,' drawing water from the blood back into the stomach, flushing the bowels and giving us a bowel wash-day at the expense of the blood which is usually followed by tiredness and constipation. Dr. Hollie's Laxative Foods are made from wholesome herbs and grains. They do not irritate, they contain no salts, aloes, or horse remedies." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Blue circular) "Goodby Drugs Goodby Disease * * * Dandelion for Sluggish Liver, Juniper Berries for the Kidneys, Spinach for the Stomach, Licorice for the Intestines, Alfalfa Flowers for the Blood, Celery for the Nerves, Chamomile for the Colon, Honey gives Fuel to the Body, Whole Grain builds Muscle and Bone. All disease can be banished by eating good food well digested and its waste properly eliminated. A great Doctor once said, 'With proper elimination there can be no disease.' * * * You can enjoy restful sleep, overcome nervousness, indigestion, and the rest of the human ailments by eliminating disease from the body with this remarkable

food. * * * Here is Health Insurance for all;" (booklet) "A Liver Cleanser, Beauty starts in the liver. A bad sluggish liver will cause a yellow complexion and wrinkles in the face, and cause the skin to become flabby all over the body * * *. Eat two or three of Dr. Hollie's Laxative Crackers daily, and in two or three weeks, the eyes and skin will clear up, and the pain in the back will leave. * * * External Beauty. This depends on internal beauty elements. Remove all impurities from the body two or three times a day with such laxative foods as pears, peaches, prunes, or herbs. The easiest way to assist nature, is to eat Dr. Hollie's laxative food crackers. To cure Headaches, we must cure the Cause. * * * Zone 6. Laxative Food (Hollie's Crackers) * * * (Diagram of human head divided into 7 zones.) Proper Elimination the Key to Perfect Health. Laxative Foods Like Dandelion for Sluggish Liver, Juniper Berries for the Kidneys, Spinach for the Stomach, Licorice for the Intestines, Alfalfa Flowers for the Blood, Celery for the Nerves, Chamomile for the Colon, Honey gives Fuel to the Body, Whole Grain Builds Muscle and Bone as baked in correct proportions in Dr. Hollie's Laxative Food Crackers. Gives health in abundance and overcomes high blood pressure, nervousness, acidity, indigestion, and the rest of the human ailments through proper elimination and rebuilding the eliminating organs."

On August 29, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16002. Adulteration and misbranding of cocoa. U. S. v. 11 Barrels of Cocoa. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22797. I. S. No. 22556-x. S. No. 830.)

On May 24, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 barrels of cocoa, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Oregon Transfer Co., Portland, Oreg., alleging that the article had been shipped from Portland, Oreg., February 2, 1928, and had been transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "American Brand Pure Cocoa Powder E. & A. Opler Inc., Chicago."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Pure Cocoa Powder" was false and misleading and deceived and misled the purchaser.

On September 19, 1928, E. & A. Opler (Inc.), Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be made to conform with the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16003. Adulteration and misbranding of currant jelly. U. S. v. 110 Cases of Red Currant Jelly. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22404. I. S. No. 17520-x. S. No. 490.)

On January 30, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 110 cases of red currant jelly, remaining in the original packages at San Francisco, Calif., consigned by the Goodwin Preserving Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., on or about October 24, 1927, and had been transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Goodwin's Best Red Currant Jelly * * * Goodwin Preserving Co. Inc., Louisville, Ky., U. S. A."

It was alleged in the libel that the article was adulterated in that pectin and tartaric acid had been mixed and packed therewith so as to reduce and lower