

ready to make trouble. A McK. & R. Cold or Grippe Tablet or two will not only relieve the headache, but will set your digestive system in order, stir up your liver, make skin and kidneys act more energetically, and so prevent your 'taking cold.' At times when Influenza or the Grippe is raging, those who keep their digestive and eliminating organs actively working escape the disease, even though they can not avoid exposure to the germs of this disease. McK. & R. Cold and Grippe Tablets, therefore, are surely useful; they * * * in most cases prevent and protect. * * * Adults should take one tablet every two hours during the day, or until relieved," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On May 23, 1929, the Eastern Drug Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of collateral security in the sum of \$100, conditioned that the claimant remove the drug from its containers and place it into a blank container, and destroy the containers, together with all labels, wrappers, circulars, and other printed matter accompanying it under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16414. Misbranding of B B headache powders. U. S. v. 21 Dozen Packages of B B Headache Powders. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23505. I. S. No. 05696. S. No. 1722.)

On March 13, 1929, the United States attorney for the Western District of North Carolina, 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 21 dozen packages of B B headache powders, remaining in the original unbroken packages at Charlotte, N. C., alleging that the article had been shipped by Bostwick Bros., from Atlanta, Ga., on or about July 9, 1928, and transported from the State of Georgia into the State of North Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powders contained acetanilide (3.3 grains per powder), acetylsalicylic acid, potassium bromide, and caffeine.

It was alleged in the libel that the article was misbranded in that the following statement, (circular) "B-B Headache Powders are taken daily by people who can not take aspirin tablets and pills," was false and misleading, since the said article contained acetylsalicylic acid (aspirin). Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the labels, (envelope) "Quick Relief For * * * Neuralgia * * * La Grippe * * * Sleeplessness, Earache * * * Female Pains * * * for Neuralgia * * * for Earache * * * LaGrippe * * * and Female Pains, take one Powder every hour until relieved," (circular) "B-B Headache Powder is recommended in stubborn cases of * * * Neuralgia and Female Pains, * * * we * * * recommend 'B-B' Headache Powders to be a quick relief. * * * For Neuralgia and Female Pains * * * Female Pains; * * * Neuralgia * * * 'B-B' Headache Powder will give quick relief," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On May 23, 1929, 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.*