

ingredient or combination of ingredients capable of producing the effects claimed.

On April 20, 1929, the Eleven Bros. Laboratories (Inc.), Marshall, Tex., having appeared and filed an answer admitting the interstate transportation of the product and consenting to its destruction, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be poured out of the bottles and destroyed by the United States marshal, and that the bottles be returned to the intervenor after the labels had been removed or scratched so as to render them nonusable. It was further ordered by the court that the intervenor pay costs of the proceedings and refrain from using in interstate commerce labels containing the statements on the above label or the equivalent thereof.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16544. Misbranding of Phenyo-Caffein. U. S. v. 8½ Dozen Packages of Phenyo-Caffein. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23491. I. S. No. 05763. S. No. 1695.)

On March 4, 1929, the United States attorney for the District of Massachusetts, 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 8½ dozen packages of Phenyo-Caffein, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Phenyo-Caffein Co., New York, N. Y., (on February 6, 1929), and transported from the State of New York into the State of Massachusetts, 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 it consisted essentially of acetanilide, caffein, and camphor.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the carton and in the circular, (carton) "For * * * Neuralgia. Nervine giving quick relief; * * * allay feverishness * * * Influenza * * * These * * * Pills * * * are an efficient * * * remedy. Caffein and Camphor * * * Their invigorating and restorative effects are known and valued by persons undergoing much bodily fatigue. * * * Acetanilid * * * Its * * * anti-fever and anti-rheumatic action," (circular) "For * * * Neuralgia, Sciatica, * * * Rheumatism, Painful Periods, Feverishness * * * There is relief from almost every pain * * * Feverishness due to * * * Influenza. Camphor * * * Caffein * * * Combined with Acetanilid these invigorating tonics are of great value to all who become fatigued easily and to those who suffer from sleeplessness," 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 treatment of disease or the prevention thereof.

On April 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.*

16545. Misbranding of Bromoline. U. S. v. 63 Boxes of Bromoline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23490. I. S. No. 012883. S. No. 1691.)

On or about March 11, 1929, the United States attorney for the Southern District of Indiana, 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 63 boxes of Bromoline at Evansville, Ind., alleging that the article had been shipped by the Senoret Chemical Co., St. Louis, Mo., on or about January 5, 1929, and transported from the State of Missouri into the State of Indiana, 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 coated tablets contained acetanilide, cinchonine sulphate, and resinous plant material.

The libel charged that the product was misbranded in that the name "Bromoline," borne on the carton container and in the circular, was false and misleading and that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "Lagrippe, Influenza and Neuralgia;" (in German) "Grippe, Neuralgie;" (circular) "For * * * Lagrippe * * * For * * * Neuralgia;" (in German) "Against * * * Attack of Grippe." The carton and circular contained similar statements in other languages.

On May 11, 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.*

16546. Adulteration and misbranding of Mendenhall's chill and fever tonic. U. S. v. 60 Dozen Bottles of Mendenhall's Chill & Fever Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23583. I. S. No. 01424. S. No. 1672.)

On April 5, 1929, the United States attorney for the Eastern District of Missouri, 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 60 dozen bottles of Mendenhall's chill and fever tonic, remaining unsold in the original bottles at St. Louis, Mo., alleging that the article had been shipped by the J. C. Mendenhall Medicine Co., from Evansville, Ind., on or about January 29, 1929, and transported from the State of Indiana into the State of Missouri, 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 consisted essentially of quinidine sulphate (6.32 grains per fluid ounce), extract of a laxative plant drug, glycerin, alcohol, sugar, water, and a trace of sodium benzoate.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, (carton, right panel) "Containing no * * * poisonous drugs and can be given to all classes of patients with perfect safety," (circular, page 1) "Contains no * * * dangerous drugs. [The preparation contained quinine sulphate which is a dangerous drug. The U. S. Pharmacopœia advised caution in the use of it.] Each fluid ounce represents eight grains of quinine strength [The preparation contains 6.32 grains per fluid ounce of quinidine sulphate. This amount is not equivalent to the strength of 8 grains of quinine];" (circular, page 4) "I noted on the circular that quinine strength."

Misbranding was alleged for the reason that the following statements, borne on the labels, were false and misleading: (Carton, right panel) "Containing no * * * poisonous drugs and can be given to all classes of patients with perfect safety;" (carton, left panel) "Take Mendenhall's Chill and Fever Tonic in Place of Quinine. * * * I have been practicing in Arkansas 20 years and constantly prescribe Mendenhall's Chill and Fever Tonic, where quinine is contra-indicated for children and adults with weak stomachs;" (carton, back panel) "Does not cause buzzing in the head, giddiness and deafness like ordinary quinine. Should always be taken where quinine is contra-indicated;" (bottle label, back panel) "Take The Chill Tonic At All Times in Place Of Quinine;" (circular, page 1) "Contains no * * * dangerous drugs;" (circular, page 3) "Mendenhall's Chill Tonic, without arsenic, should be taken in place of quinine;" (circular, page 4) "I noted on the circular the quinine strength." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label, front panel, carton, front panel, and circular, page 1) "Chill and Fever Tonic," (shipping package) "Chill Tonic," (bottle label, under directions) "Slow fevers where the temperature rises daily and there is general lassitude and prostration * * * After the chills or fever are broken * * * For coughs * * * grippe, or flu * * * As a tonic for loss of appetite, general debility and malaria * * * Take the Chill Tonic at All Times in Place of Quinine," (carton, front) "For * * * Grippe or Flu," (carton, left panel) "Take Mendenhall's Chill and Fever Tonic * * * prescribe Mendenhall's Chill and Fever Tonic, where quinine is contra-indicated for children and adults with weak stomachs," (carton, back panel) "Chill and Fever Tonic, Biliousness, Jaundice, Loss of Appetite, General Debility, Coughs * * * Grippe or Flu," (carton, right panel) "Chill Tonic," (shipping package) "Chill Tonic