

# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

16851-16875

[Approved by the Secretary of Agriculture, Washington, D. C., July 16, 1930]

**16851. Misbranding and alleged adulteration of Nip-a-Co capsules. U. S. v. 15 $\frac{3}{4}$  Dozen Packages of Nip-a-Co. Default decree of confiscation and destruction. (F. & D. No. 23510. I. S. No. 03488. S. No. 1617.)**

On March 15, 1929, the United States attorney for the Northern District of West Virginia, 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 15 $\frac{3}{4}$  dozen packages of Nip-a-Co capsules, remaining unsold in the original packages at Wheeling, W. Va., alleging that the article had been shipped by Frederick Stearns & Co., from Detroit, Mich., on or about September 15, 1928, and transported from the State of Michigan into the State of West Virginia, 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 acetanilid, cinchonine sulphate, magnesium carbonate, capsicum, extracts of plant drugs including podophyllum and jalap, traces of salicylic acid, and alkaloids of aconite.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, viz, the container of the said article bore the statement "Each Capsule contains \* \* \* and cod liver oil extract."

Misbranding was alleged for the reason that the statement on the container, "Each Capsule contains \* \* \* with cod liver oil extract," was false and misleading in that the article contained no extract of cod-liver oil. Misbranding was alleged for the further reason that the said container bore the statements, "For the relief of \* \* \* Neuralgia, La grippe," which statements were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 22, 1929, no claimant having appeared for the property, judgment was entered finding the product misbranded and subject to confiscation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16852. Misbranding of Cow Tone. U. S. v. 71 Small Cans, et al., of Cow Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23674. I. S. Nos. 09210, 09211. S. No. 1913.)**

On May 1, 1929, the United States attorney for the Eastern District of Wisconsin, 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 71 small cans and 17 large cans of Cow Tone, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Our Husbands Manufacturing Co., Lyndon, Vt., on or about February 18, 1929, and transported from the State of Vermont into the State of Wisconsin, 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 sodium chloride (49 per cent), magnesium sulphate (45 per cent), sodium thiosulphate (5 per cent), potassium nitrate (1 per cent), and small amounts of nux vomica and fenugreek.

It was alleged in the libel that the article was misbranded in that the following statements were false and misleading: (Labeling of small cans) "Milk Producer \* \* \* The Great Milk Producer \* \* \* Help your cows to increase the flow of milk by feeding them O-H Cow Tone, a wonderful milk producer, \* \* \* A tablespoonful twice a day mixed in grain will appreciably increase the flow of milk;" (labeling of large cans) "Cow Tone the Milk Producer \* \* \* The Great Milk Producer \* \* \* Help your cows to increase their flow of milk, by feeding them Cow Tone, the wonderful milk producer, \* \* \* The undersigned guarantees that Cow Tone is not adulterated or misbranded within the meaning of the Federal Food and Drugs Act. \* \* \* A tablespoonful twice a day mixed in grain will appreciably increase the flow of milk." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (labeling of small cans) "Will Keep Your Cows Healthy and Rugged \* \* \* build up the cow and keep her in prime condition. Continue until you are satisfied that the health of your herd is established and their maximum milk production is being maintained. Individual cases require longer continued treatment. In cases of contagious abortion separate the cows, \* \* \* continue the treatment as above \* \* \* until all signs have disappeared. \* \* \* methods of treatment of cattle. \* \* \* Through its use abortion and retained afterbirth are prevented, barrenness avoided. \* \* \* other cow disorders eliminated. \* \* \* In the healthy, milk producing cow is your profit," (labeling of large cans) "Cow Tone \* \* \* Tends To Keep Your Cows Healthy and Rugged \* \* \* Builds up and makes your cows fit and puts them in prime condition whereby they are free from disease and their milk flow is remarkably increased. Be fair with them, feed them Cow Tone, keep them rugged and healthy and so ward off diseases to which all cows are liable. \* \* \* In the healthy, milk producing cow is your profit. \* \* \* build up the cow and keep her in prime condition. Continue until you are satisfied that the health of your herd is established and their maximum milk production is being maintained. Some cases require longer continued treatment. Give your cows Cow Tone, the regulator and appetizer \* \* \* used by dairymen throughout the country in keeping their herds well and productive of profits. \* \* \* methods of treatment of cattle," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 21, 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.*

**16853. Misbranding of Mentho-Mustard. U. S. v. 34 Jars of Mentho-Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23461. I. S. No. 05555. S. No. 1665.)**

On February 27, 1929, the United States attorney for the Southern District of Florida, 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 34 jars of Mentho-Mustard, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Mentho-Mustard Co., from Athens, Ga., on or about December 20, 1928, and transported from the State of Georgia into the State of Florida, 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 ointment consisted essentially of a base of the consistency of petrolatum, containing small amounts of volatile oils including mustard oil, camphor, menthol, and methyl salicylate.

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, (jar) "For the Treatment of \* \* \* La Grippe, Sore Throat, Rheumatism, \* \* \* Bronchitis, Whooping Cough, Croup, Asthma, or anywhere an external application is needed to banish pain. \* \* \* Apply freely \* \* \* Repeat the applications until relief is obtained. In case of pneumonia \* \* \* begin applications to the chest," (carton) "For the Treatment of \* \* \* La-