

9, 1929, and transported from the State of Indiana into the State of Texas, 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 small amounts of menthol, camphor, oil of eucalyptus and glycyrrhiza, alcohol, glycerin, and water.

The article was labeled in part: (Bottle) "For Coughs * * * Croup, Flu, Pneumonia, Hay Fever, Asthma, Scinitus, Catarrh, etc.;" (carton) "Stop That Cough * * * Hay Fever Sufferers Do not Hesitate—Get it now—You Shall Know For Coughs, * * * Croup, Flu, Pneumonia, Bronchitis, Tuberculosis, Hay Fever, Asthma, Scinitus, Catarrh, Laryngitis. * * * Aids Digestion;" (circular around each bottle) "Cough Sedative * * * for * * * Coughs * * * Croup, Whooping Cough, Pneumonia, Flu, Hay Fever, Sinus Infection, Asthma, Catarrh and all troubles arising from the nasal and respiratory tract. * * * Now * * * need only be taken in small doses in order to give results * * * when a few drops of Now comes in direct contact with the affected parts covering the whole of the respiratory tract, * * * to get a little of the actual medicinal properties. Now penetrates the affected parts * * * thereby * * * healing * * * the affected tissues and mucus membrane. The * * * results * * * and * * * relief is the mother of the name it bears—Now. * * * it requires only a small amount to produce results, * * * is * * * reliable * * * For * * * Coughs * * * Croup and Whooping Cough * * * inhale the fumes, * * * in order to get full benefit of the vapor * * * Clogged Head, Hay Fever, Asthma, Sinus Infection * * * Pneumonia or Flu * * *. It penetrates. * * * Catarrh * * * use on cotton in nostril, or as an inhalent, according to severity of case and area covered. * * * Hoarseness * * * healing benefits;" (carton) "25% Alcohol."

It was alleged in the libel that the article was misbranded in that the above-quoted statements regarding the curative and therapeutic qualities of the said article, borne on the bottle and carton labels and in the accompanying circular, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the article was labeled, "25% Alcohol," whereas it contained only 17.8 per cent of alcohol by volume.

On May 6, 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.*

16939. Misbranding of Walker's Old Indian fever tonic. U. S. v. 18 Bottles of Walker's Old Indian Fever Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23900. I. S. No. 03980. S. No. 2107.)

On or about July 31, 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 18 bottles of Walker's Old Indian fever tonic, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by Bostwick Bros., from Atlanta, Ga., on or about June 25, 1929, 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 the sample of the article by this department showed that it consisted essentially of magnesium sulphate, quinine sulphate, a small amount of arsenic, alcohol, and water colored with a pink dye and flavored with oil of cinnamon and other aromatics.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements, borne on the bottle and carton labels, regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label) "Fever Tonic For Fevers of Various Kinds such as Malarial Fever, Chills and Fever, Intermittent Fever, Typhoid Fever * * * For Influenza, * * * LaGrippe, Measles, Jaundice, Neuralgia;" (carton label) "Fever Tonic * * * Malarial Fevers, La Grippe, Chills * * * Measles, Jaundice, Neuralgia * * * For LaGrippe, Influenza."

On September 17, 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.*

16940. **Misbranding of Acquin tablets. U S. v. 19 Bottles and 2642 Tins of Acquin Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23428. I. S. Nos. 05341, 05342, 05343, 05344. S. No. 1553.)

On February 19, 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 19 bottles and 2,642 tins of Acquin tablets, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Clausen-Zoller Co., from St. Louis, Mo., in various consignments on or about July 2, 1928, January 4, 1929, and January 5, 1929, respectively, and transported from the State of Missouri 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 the tablets contained acetphenetidin, acetylsalicylic acid, and starch.

It was alleged in the libel that the article was misbranded in that the following statements were false and misleading: (Bottle label) "A Non-Depressant;" (tins) "Will not depress the heart;" (display carton containing 1 1/4 dozen tins) "A safe remedy * * * No bad after effects * * * will not depress the heart;" (display carton containing 4 dozen tins and one bottle) "A safe remedy * * * will not depress the heart * * * Acquin tablets do not depress the heart;" (wrapper around this display carton) "Does not depress the heart;" (circular inclosed in the tins) "Does not depress the heart * * * It is safe for adults and children. * * * The component parts of Acquin are * * * entirely free from * * * drugs * * * that are harmful. * * * Acquin contains no acetanilide. * * * Dr. Charles Lane Stevens * * * considers Acquin superior to Aspirin and far safer. Dr. Otto Frank * * * warns against the too frequent use of Aspirin." [These tablets actually contain aspirin; in addition they contain acetphenetidin, a heart-depressant. Acetphenetidin is a derivative of acetanilide.] Misbranding was alleged for the further reason that the package failed to bear a statement on the said bottle label and the tin of the quantity or proportion of acetphenetidin, a derivative of acetanilide contained therein, since the declaration did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. 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 ingredients or combination of ingredients capable of producing the effects claimed: (Display carton containing 4 dozen tins and 1 bottle) "Neuritis, Neuralgia, * * * Fever, La Grippe, Influenza, Rheumatic and Periodic Pains * * * For * * * Neuralgia, Influenza, Rheumatic pains and fever;" (tins contained in this carton) "Stops pain almost instantly * * * For relief of pain * * * La Grippe, Neuralgia, Rheumatic Pains, Painful Menstruation and Influenza;" (inclosure in tins) "Acquin is a boon to women suffering with periodic pains. For Neuralgia, Neuritis, * * * Rheumatism, Toothache, Earache, Grip and Influenza. Take two Acquin tablets at once and one every three hours during the day until relieved;" (display carton containing 1 1/4 dozen tins) "Stops pain almost instantly * * * A safe remedy for * * * Neuritis, Neuralgia, * * * Fever, La Grippe, Influenza, Rheumatic and Periodic Pains;" (tins contained in this carton) "Stops pain almost instantly * * * For Relief of Pain, * * * La Grippe, Neuralgia, Rheumatic Pains, Painful Menstruation and Influenza;" (circular contained in these tins) "Stops pain almost instantly * * * for the relief of pain, because it stops pain almost instantly * * * In ulcerated teeth accompanied by severe pain, two Acquin Tablets should be taken * * * For the relief of * * * Neuritis, Neuralgia, * * * Influenza, Rheumatic and Menstrual pains. * * * Acquin is a boon to women suffering with periodic pains. * * * For Neuralgia, Neuritis, * * * Rheumatism, Toothache, Earache, Grip and Influenza;" (bottle label) "For * * * Neuralgia, Neuritis, 1 to 2 tablets for the first