

18088. Misbranding of Kalis' laxative "Flu-Caps." U. S. v. 32 Dozen Small-Sized Packages of Kalis' Laxative "Flu-Caps." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25573. I. S. No. 12033. S. No. 3843.)

Examination of a sample of a drug product, known as Kalis' laxative "Flu-Caps," having shown that the display carton, retail carton, and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the following interstate shipment of a quantity of the product located in Denver, Colo.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 32 dozen small-sized packages of the said Kalis' laxative "Flu-Caps," remaining in the original unbroken packages at Denver, Colo., consigned by Murray C. Kalis & Co., St. Joseph, Mo., alleging that the article had been shipped from St. Joseph, Mo., on or about September 11, 1929, and had been transported from the State of Missouri into the State of Colorado, 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 capsicum, aloin, acetanilid, asafoetida, ginger, and a small proportion of another root.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "A Strictly Meritorious Remedy for * * * Grip and 'Flu.' * * * will * * * Prevent the 'Flu' * * * Flu-Caps for * * * Grip and Influenza;" (retail carton) "Flu-Caps for * * * Grip and Influenza. * * * To * * * check the 'flu,' take one capsule with a glassful of water 1 or 2 hours apart until three consecutive doses are taken; then one capsule every three or four hours until entirely rid of cold. To relieve * * * Aching Bones, * * * take one capsule every two hours until relieved. * * * A strictly meritorious remedy for * * * Bilious Fever, Dengue, Chills, Malaria, LaGrip, and 'Flu;'" (circular) "An Ounce of Prevention is Worth a Pound of Cure! * * * 'Flu-Caps' will * * * prevent the 'Flu.' These Capsules had their origin during the 'Flu' epidemic of 1918 and have proven of inestimable value in combating * * * LaGrippe, Bilious Fever, Malaria, Chills, Influenza, and Pneumonia. They act directly on the liver * * * ridding the system of its impurities and fortifying the body against further attack from * * * grippe and 'flu.' * * * To * * * check the 'flu,' take one capsule with a glass full of water one or two hours apart until three consecutive doses are taken; then one capsule every three or four hours until entirely rid of the cold. To relieve * * * aching bones, * * * take one capsule every two hours until relieved."

On March 24, 1931, 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.*

18089. Misbranding of Maxey's vegetable tonic and Maxey's One Minute Liniment. U. S. v. 38 Dozen Bottles of Maxey's Vegetable Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25605, 25606. I. S. Nos. 9298, 9299. S. No. 3881.)

Examination of samples of the drug products herein described having shown that the labels and accompanying circulars contained statements representing that the articles possessed curative and therapeutic properties which they did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 38 dozen bottles of Maxey's vegetable tonic and 6½ dozen bottles of Maxey's One Minute liniment, remaining in the original unbroken packages at Norfolk, Va., alleging that the articles had been shipped by the Maxey Medicine Co., from Winston-Salem, N. C., the former on or about February 13, 1930, and the latter on or about March 28, 1930, and had been transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.