

were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Bottle) "Rheumatic Compound * * * Rheumatism * * * Direction: * * * until it acts freely on the Liver, then reduce dose to suit the system if according to directions it acts too freely;" (carton) "Rheumatic Compound for Rheumatism;" (circular) "Rheumatic Compound. We recommend it for Rheumatism. If you have Rheumatism use * * * Rheumatic Compound. This medicine has been tested for years, and the praise which it has received from the trade, and the good results of its use by sufferers from the disease of Rheumatism cause us, the manufacturers, to unhesitatingly recommend it. We believe we have made it as perfect a preparation for the relief of Rheumatism as it is possible for us to do."

On June 17, 1932, 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.*

19514. Adulteration and misbranding of granulated malva leaves. U. S. v. Approximately One-Half Barrel of Granulated Malva Leaves. Default decree of destruction entered. (F. & D. No. 27942. I. S. No. 53535. S. No. 5990.)

Analysis of a sample of a product, represented to be granulated malva leaves, from the shipment herein described showed that the product did not consist solely of malva leaves, since it contained 0.078 per cent of alkaloid including atropine, indicating that it consisted in part of a mydriatic drug such as belladonna.

On or about March 23, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of approximately one-half barrel of granulated malva leaves at Columbus, Ohio, alleging that the article had been shipped by S. B. Penick & Co., Weehawken, N. J., on or about May 19, 1931, and had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

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, viz, "Malva Leaves," since it did not consist solely of malva leaves, but contained a mydriatic drug.

Misbranding was alleged for the reason that the statement "Malva Leaves," appearing in the labeling, was false and misleading when applied to an article that did not consist solely of malva leaves.

On May 10, 1932, no claimant having appeared for the property, judgment was entered finding that the product was adulterated and misbranded and liable to condemnation, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19515. Misbranding of Brooten's Kelpor. U. S. v. Pleas A. Tucker. Plea of guilty. Fine, \$25. (F. & D. No. 27508. I. S. Nos. 22269, 22270.)

This action involved two interstate shipments of a drug product, known as Brooten's Kelpor, the labeling of which bore statements representing that it possessed curative and therapeutic properties which examination showed it did not possess. The article was represented to be a natural food, whereas it had no food value.

On March 17, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Pleas A. Tucker, Portland, Oreg., alleging shipment by said defendant in violation of the food and drugs act, as amended, on or about September 6, 1930, and March 14, 1931, from the State of Oregon into the State of Washington, of quantities of the said Brooten's Kelpor which was misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral matter, chiefly aluminum silicate and iron oxide, with small proportions of other iron and magnesium compounds including sulphates and phosphates, and traces of calcium compounds and sulphur.

It was alleged in the information that the article was misbranded in that the statement "The natural food" was false and misleading, since the article contained no ingredient of value as a food. Misbranding was alleged for the further reason that certain statements, designs and devices regarding the therapeutic and curative effects of the article, appearing in the circular shipped therewith, falsely and fraudulently represented that it was effective as a healing power; effective to preserve and increase vitality and health; effective to rebuild famished and broken-down tissue; effective to add to the blood stream the life-giving tissue foods and salts required; effective to neutralize the excess acids and to make possible their assimilation by the body cells and tissues; effective as a treatment of inestimable value where the digestive and eliminative organs are at fault; effective as an aid to sufferers from diabetes and rheumatic and renal conditions; effective as a corrective to an unsatisfactory condition of the system and eliminative organs; effective as a treatment, remedy, and cure for sugar diabetes and infection, anemic condition, swollen legs, swollen groins, ulcer of the stomach, rheumatism, stomach disorders, pain in the side, bladder trouble, severe womb trouble, skin diseases, pains in back; whereas the article contained no ingredients or medicinal agents effective for the said purposes.

On June 16, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19516. Misbranding of Hepatona. U. S. v. 30 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26459. I. S. No. 5783. S. No. 4748.)

Examination of a drug product, known as Hepatona, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On June 10, 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 30 bottles of Hepatona at San Juan, P. R., alleging that the article had been shipped on or about May 2, 1931, by Yglesias & Co. (Inc.), New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Puerto Rico by the Drug Co. of Puerto Rico (Inc.), and that it was misbranded 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 phosphate, sodium bicarbonate, potassium bitartrate, a lithium salt, citric acid, and phenolphthalein.

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 article, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label) "Hepatona * * * Hepatic Stimulant, Coagogue and Eliminator of Uric Acid;" (circular) "Hepatic Stimulant * * * it exercises a stimulative action over the hepatic cells and is efficacious even in smaller doses * * * regularizes the action of the intestines, * * * It is a smooth and efficacious hepatic stimulant. Prominent authorities consider it the best remedy for cirrhosis of the liver * * * is a powerful eliminating agent in toxic conditions. * * * thus obtaining its stimulative action over the liver without the necessity of administering large doses. * * * the preferred eliminator for innumerable conditions where the clearing of the system from katabolic products and the removal of toxic materials from the blood is desired. * * * It is also of great help for the treatment of disorders of the kidneys; it eliminates the toxic substances from the alimentary canal, thus relieving them from the work of expelling those toxic products. This allows the kidneys to rest and to recover their normal functions. * * * In the treatment of the diseases of the skin of any origin, the necessity of keeping the blood free from these toxic products has been acknowledged."

On July 8, 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.*