

ingly, 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 purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for pyorrhea alveolaris (Rigg's disease), tender, bleeding, soft, spongy, or receding gums when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for pyorrhea alveolaris (Rigg's disease), tender, bleeding, soft, spongy, or receding gums.

The defendant having pleaded not guilty, the cause came on for trial April 19, 1932, before the court, a jury having been waived, a stipulation of facts was offered in evidence in which the defendant admitted execution of the guaranty, that the sales had been made, and the subsequent interstate shipment of the product in question. Evidence was introduced on the part of the Government to show that the article, "Pyo-Rem," was misbranded in that the statements, designs, and devices regarding the therapeutic and curative effects of the said product, appearing on the labels of the bottles, were false and fraudulent. The defendant offered evidence tending to show that the label was neither false nor fraudulent. On April 21, 1932, at the conclusion of all the evidence, the case was continued for argument and the filing of briefs.

On May 3, 1932, briefs having been filed, arguments of counsel concluded and the cause submitted, the court held defendant to be guilty as charged in each count of the information. Thereafter, on May 16, 1932, defendant was by the court ordered to pay a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19673. Adulteration and misbranding of Runners extract of cod-liver oil cordial. U. S. v. C. H. Griest Co. (Inc.). Plea of nolo contendere. Fine, \$5. (F. & D No. 26655. I. S. No. 28253.)**

This action was based on interstate shipments of quantities of a drug product, known as Runners extract of cod-liver oil cordial, which purported to be an extractive of cod liver. Examination showed that 100 grams of the article were not equal to 1 gram of good cod-liver oil as a source of vitamin A. The carton and bottle labels also bore unwarranted curative and therapeutic claims.

On October 29, 1931, 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 the district aforesaid an information against C. H. Griest Co. (Inc.), a corporation, Wheeling, W. Va., alleging shipments by said company in violation of the food and drugs act as amended, on or about December 24, 1930, and February 12, 1931, from the State of West Virginia into the State of Pennsylvania of a quantity of the said Runners extract of cod-liver oil cordial that was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of phosphorous, calcium, sodium, potassium, iron, and manganese, and traces of quinine and strychnine alkaloids, wild cherry, sugar, alcohol, and water, flavored with orange and cassia oils. Biological examination showed that 100 grams of the article were not equal to 1 gram of good cod-liver oil as a source of vitamin A.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be extract of cod-liver oil cordial which contained a solution of an extractive from fresh cod livers, whereas it was not an extractive of cod-liver oil cordial and did not contain a solution of an extractive from fresh cod livers.

Misbranding was alleged for the reason that the statements, "Extract of Cod Liver Oil Cordial \* \* \* Contains a Solution of an Extractive from Fresh Cod Livers," borne on the carton and bottle labels, were false and misleading, since the said article was not extract of cod-liver oil cordial which contained a solution of an extractive from fresh cod livers. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that the article was effective as a reconstructive and as a digestive; effective to protect health; and effective when taken regularly and according to directions as a remedy to produce health; whereas the article contained no ingredients or medicinal agents effective for the said purposes.

On May 18, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19674. Adulteration and misbranding of Earle's Hypo-Cod in tablet form. U. S. v. Earle I. Runner. Plea of nolo contendere. Fine, \$5. (F. & D. No. 26537. I. S. No. 5403.)**

This case was based on the interstate shipment of a quantity of a drug product, known as Earle's Hypo-Cod in tablet form, which was represented to contain the therapeutically valuable principles of cod-liver oil. Examination showed that the article contained no perceptible amount of vitamin A, the characteristic vitamin of cod-liver oil. The bottles and cartons and the circular accompanying the article also bore unwarranted curative and therapeutic claims.

On November 4, 1931, 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 the district aforesaid an information against Earle I. Runner, Wheeling, W. Va., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about January 30, 1930, from the State of West Virginia into the District of Columbia, of a quantity of the said Earle's Hypo-Cod in tablet form, which was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of iron, manganese, calcium, quinine, strychnine, and phosphorous compounds, extracts of plant drugs including a laxative drug, and a solid fatty acid. Biological examination showed that the article contained no vitamins of cod-liver oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard under which it was sold, in that it was represented to be an improved compound cod-liver oil product rich in health-building vitamins which contained extractives of pure cod-liver oil representing millions of strength-building vitamins and rich in the extractives of codfish livers, whereas the article was not an improved compound cod-liver oil product; it was not rich in health-building vitamins; it did not contain extractives of pure cod-liver oil, and contained no strength-building vitamins, and it was not rich in the extractives of codfish livers, in that said article contained no vitamins derived from codfish livers.

Misbranding was alleged for the reason that the statements, "An improved Cod Liver Oil Tablet \* \* \* the extractive of pure cod liver oil \* \* \* containing the extractives or medicinal parts of pure Cod Liver Oil," borne on the carton and bottle, and the statement, "Earle's Hypo-Cod In Tablet Form the improved Cod Liver Oil Tablet \* \* \* Rich in Health-Building Vitamines \* \* \* rich in the extractives of cod fish livers—that part of cod liver oil which contains the millions of vitamins," contained in the circular, were false and misleading in that they represented that said article was an improved compound cod-liver oil product rich in health-building vitamins, and which contained extractives of pure cod-liver oil representing millions of strength-building vitamins and rich in the extractives of codfish livers, which contained millions of vitamins, whereas said article was not an improved compound cod-liver oil product; said article was not rich in health-building vitamins; said article contained no extractives of pure cod-liver oil and contained no strength-building vitamins; said article was not rich in the extractives of codfish livers and did not contain millions of vitamins; it contained no extractives of codfish livers and contained no vitamins. Misbranding was alleged for the further reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article, appearing on the bottle and carton labels and in the circular, falsely and fraudulently represented that it was effective as a rebuilder of wasted and wornout tissues, effective as a health builder, effective as a treatment for nervousness, indigestion, impaired nutrition, malassimilation, anaemia and impure blood, effective as a general tonic in run-down and debilitated conditions of the system, effective to build up wasted and run-down systems, to put flesh on thin, frail bodies, and to make better health in general; effective as a general health and strength builder for thin, frail, run-down and wornout people, effective as a great health and strength builder, effective as a reliable health and flesh builder, effective to bring back to normal health those who lack ambition and energy and whose system is at its lowest ebb and those who have no appetite and those