

It was further alleged that the article was misbranded in that the statement, "Phenacetin 3.15 grains to each tablet," was false and misleading, and in that the label failed to bear a statement of the quantity or proportion of acetphenetidin (phenacetin) a derivative of acetanilid, contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For Grippe, Influenza, Pneumonia, and other forms of Pulmonary Inflammation and congestion."

On February 15, 1930, the Direct Sales Co., Inc., Buffalo, N.Y., filed an answer to the libel denying the adulteration and misbranding charges. On March 29, 1933, the charges in the libel based on the alleged shortage in phenacetin were dismissed. On the same date the misbranding charge based on the curative and therapeutic claims having been admitted by the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20559. Misbranding of aspirin tablets. U.S. v. 19 Cartons of Aspirin Tablets. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29121. Sample no. 20708-A.)**

Examination of the shipment of aspirin tablets involved in this case showed that the labeling bore curative and therapeutic claims that were false and fraudulent.

On October 25, 1932, the United States attorney for the District of New Jersey, 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 19 cartons of aspirin tablets, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, by the American Pharmaceutical Co., Inc., from New York, N.Y., to Jersey City, N.J., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained approximately 5 grains each of acetylsalicylic acid (aspirin).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Display carton) "For Toothache \* \* \* Antiseptic Gargle \* \* \* for Rheumatism, Sciatica, Lumbago, Pain"; (leaflet) "For the alleviation of pain \* \* \* Directions Rheumatism, Lumbago, Sore Joints and Muscles— \* \* \* Acute Pain from Sciatica, Toothache."

On March 24, 1933, the American Pharmaceutical Co., Inc., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the leaflet bearing objectionable therapeutic claims be removed from the packages and that the product be repacked in new display cartons approved by this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20560. Adulteration and misbranding of cactus butter. U.S. v. Thirty 1-Pound Cans of Cactus Butter. Default decree of condemnation and destruction. (F. & D. no. 28980. Sample no. 17204-A.)**

This action involved a product represented to be cactus butter and which was found to consist essentially of peanut butter with added oil and a trace of plant extractive material. Examination disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 14, 1932, the United States attorney for the District of Arizona, 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 thirty 1-pound cans of cactus butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about May 25, 1932, by the Health Food Distributors, from New York, N.Y., to Phoenix, Ariz., and charging adulteration and misbranding in violation of the Food and

Drugs Act as amended. The article was labeled in part: "Cactus Butter \* \* \* compounded and packed exclusively by Universal Cactus Food Products Phoenix, Arizona, \* \* \* sole American distributor Phoenix Chemical Laboratories, manufacturing chemists \* \* \* Phoenix, Arizona."

Analysis of a sample of the article by this Department showed that it consisted essentially of peanut butter with added oil and a trace of plant extractive material.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, cactus butter.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, cactus butter. Misbranding was alleged for the further reason that the following statements appearing on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Cactus Butter is rich in sodium, iron, magnesium, potassium and all the mineral elements which are the building stones of the body. It stimulates, cleanses, revitalizes and restores normal functioning to the glandular system. \* \* \* It has a great affinity for atmospheric oxygen, thereby purifying the blood-stream, improving the circulation and removing pathogenetic waste. This results, among other things, in removing skin blemishes and improving the complexion. It has very pronounced solvent qualities and prevents calcareous accumulations in the joints, muscles and tissues. It changes the intestinal flora, thereby normalizing the chyne. It restores normal functioning of the heart, kidneys, bowels and all vital organs. It feeds the nerves and removes the cause and effects of paralysis, nervous prostration, neuralgia, neuritis, worry and fear."

On November 7, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20561. Misbranding of Rider's household liniment. U.S. v. G. Haggard Rider. Plea of nolo contendere. Judgment of guilty. Fine, \$20. (F. & D. no. 27485. I.S. nos. 829, 19751.)**

Examination of the drug preparation on which this case was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels, and in a circular shipped with the article.

On August 17, 1932, the United States attorney for the Southern District of California, 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 G. Haggard Rider, San Diego, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 7 and March 3, 1931, from the State of California into the State of Texas, of quantities of Rider's household liniment that was misbranded. The article was labeled in part: (Bottle) "Rider's Household Liniment \* \* \* G. Haggard Rider Manufacturer San Diego, Calif."

Analysis of a sample of the article by this Department showed that it consisted essentially of mineral oil such as kerosene, a small proportion of sassafras oil, and a trace of a pungent principle, such as capsicum, colored yellow.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle and carton labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a remedy for muscular rheumatism, bronchial cough, spasmodic croup, acute pleurisy, lumbago, sciatica, all pains, and sick stomach.

On January 24, 1933, the defendant entered a plea of nolo contendere to the information. On January 25, 1933, a hearing was held on the plea, and the defendant was found guilty and fined \$10 on each of the two counts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20562. Adulteration and misbranding of Acme medicated stock salt. U.S. v. 385 Pounds of Acme Medicated Stock Salt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29299. Sample no. 6431-A.)**

Examination of the drug product involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also