

alcohol; whereas it was not antiseptic and disinfectant when used as directed, and a portion of the article contained not more than 31.5 percent of alcohol.

Misbranding was alleged for the reason that the statements, "Antiseptic and Disinfectant \* \* \* Acts on the germs that continuously multiply themselves in the mouth, diminishing in this way their destructive action on the dental tissues. Method of Using: 15 or 20 drops in a glassful of water", with respect to both lots of the article, and the statement "40% Alcohol", with respect to one of the lots, were false and misleading since the article was not an antiseptic and disinfectant when used as directed, and the said lot contained less than 40 percent of alcohol. Misbranding was alleged with respect to the lot that contained less alcohol than declared on the label for the further reason that the label failed to bear a statement of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect. The information also charged that one of the lots was further misbranded in that certain statements, designs, and devices, appearing on the bottle and carton labels and in the circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a treatment, remedy and cure for all diseases of the mouth and respiratory tract; as a preventive for inflammations and "Pyorrhea Alveolar" and effective as a counter-irritant for inflammations of the gums and pericementitis; effective to destroy the formation of sanguineous and salivary calculi; effective to prevent the formation of caries; and effective as a treatment for sick gums; and that the remaining lot was further misbranded in that it was falsely and fraudulently represented to be effective as a treatment, remedy and cure for all diseases of the mouth and all affections of the mouth; effective as a preventive against "Pyorrhea Alveolar"; effective as a treatment, remedy, and cure for affections of the respiratory tract; effective as a counter-irritant against pericementitis; effective as a treatment for inflammation of the gums; effective to destroy the formation of sanguineous and salivary calculi and to prevent the formation of caries; and effective as a treatment for sick gums.

On January 27, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

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

**20734. Adulteration and misbranding of Healthagain. U. S. v. 8 Bottles of Healthagain. Default decree of condemnation and destruction.**  
(F. & D. no. 29577. Sample nos. 21776-A, 21777-A, 21778-A.)

The product Healthagain, involved in this case, was labeled to convey the impression that it was of vegetable origin and was a food medicine, also that it contained no harmful drugs. It contained, however, Epsom salt, a mineral drug; it was not in any sense a food; and certain of the ingredients might be harmful. The labeling of the article bore unwarranted curative and therapeutic claims.

On December 2, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of eight bottles of the said Healthagain, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 18, 1932, by John Edward, president of the Healthagain Laboratories, Inc., from Wellsburg, W. Va., to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Healthagain \* \* \* Healthagain Laboratories, Inc. \* \* \* A Food Medicine Compounded of U. S. P. Vegetable Extracts & Alfalfa \* \* \* No Harmful Drugs."

Analyses of samples of the article by this Department showed that it consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs, including laxative drugs such as jalap, senna, and rhubarb, alcohol (approximately 3.2 percent), sugar (approximately 20 percent), and water.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Compounded of U. S. P. Vegetable Extracts and Alfalfa", since it contained a considerable proportion of Epsom salt, a mineral drug.

Misbranding was alleged for the reason that the statements on the label, "Compounded of U. S. P. Vegetable Extracts and Alfalfa", "A Food Medi-

cine", "No Harmful Drugs", were false and misleading in view of the composition of the article, and in view of the fact that it was not a food, and contained ingredients that might be harmful to health. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (All bottles) "Healthagain", (2 bottles) "Recommended for use in the treatment of Diabetes"; (2 bottles) "Recommended for use in the treatment of Rheumatism"; (2 bottles) "Recommended for use in the treatment of Anemia"; (1 bottle) "Recommended for use in the treatment of Liver"; (1 bottle) "Recommended for use in the treatment of High Blood Pressure."

On March 27, 1933, 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.*

**20735. Misbranding of Vegetable Compound Healthagain. U. S. v. 30 Bottles, et al., of Vegetable Compound Healthagain. Default decrees of condemnation and destruction.** (F. & D. nos. 28977, 29017, 29038, 29041, 29057, 29080, 29111, 29201. Sample nos. 8951-A to 8956-A, incl., 8959-A to 8972-A, incl., 19226-A, 26791-A, 26851-A, 27251-A to 27265-A, incl.)

These cases involved a product intended for the treatment of various diseases and labeled to convey the impression that it was of vegetable origin and contained no drugs. Analysis showed, however, that it contained Epsom salt, a mineral drug, and other laxative drugs. The label bore unwarranted curative and therapeutic claims, and failed to declare the quantity or proportion of alcohol contained in the article.

The United States attorneys for the Western District of Pennsylvania and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed between the dates of September 30, 1932 and November 5, 1932, libels praying seizure and condemnation of 219 bottles of the said Vegetable Compound Healthagain in various lots at New Castle, Washington, and McKeesport, Pa., and Cleveland and Youngstown, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce from Wellsburg, W. Va.; that the shipments had been made by the Healthagain Laboratories, Inc., E. J. Hunt, and John Edward, of Wellsburg; that they had been made during the period from September 16, 1932 to October 28, 1932; and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs including laxative drugs such as jalap, senna and rhubarb, alcohol (approximately 3.2 percent), sugar (approximately 20 percent), and water.

The article was labeled: "Vegetable Compound \* \* \* No Drugs." The curative and therapeutic claims in the various shipments differed somewhat, certain of the lots bearing on the bottle labels: "Healthagain Laboratories \* \* \* Life Healthagain \* \* \* 1. Diabetes; 2. High Blood Pressure; 3. Anemia; 4. Bright's Disease; 5. Dropsy; 6. Tuberculosis; 7. Liver; 8. Nervousness; 9. Skin Disease; 10. Ulcerated Stomach; 11. Arthritis; 12. Rheumatism; 13. Gall Bladder Trouble; 14. Asthma," and certain of the lots bearing the same statement and list with the exception that the figures 1 to 14 inclusive were omitted. In addition the bottle labels in the above lots bore typed, written, or rubber stamped—apparently for the purpose of distinction—one of the following: "Special", "Brights Disease", "Rheumatism", "Arthritis", "Dropsy", "Liver", "Sugar Diabetes", "Diabetes", "Anemia", or "High Blood Pressure." A portion was labeled, "Life Healthagain \* \* \* Healthagain Laboratories: 1. Diabetes; 2. High Blood Pressure; 3. Anemia; 4. Bright's Disease; 5. \* \* \* Rheumatism; 7. Liver; 8. Ulcerated Stomach." One small lot was labeled variously: (All bottles) "Healthagain"; (5 bottles) "Recommended in the treatment of dropsy Special"; (2 bottles) "Recommended in the treatment of rheumatism"; (2 bottles) "Recommended in the treatment of liver"; (2 bottles) "Recommended in the treatment of high blood pressure."

The libels charged that the article was misbranded in that the above-quoted statements on the bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent. Misbranding was alleged for the further reason that the statements on the label, "Vegetable Compound \* \* \* No Drugs", were false and misleading, since the article contained Epsom salt and other laxative drugs. Misbranding was alleged for the further reason that the labels failed to bear a statement of the quantity or proportion of alcohol contained in the article.