

20881. Misbranding of Breast Tea. U. S. v. 95 Packages of Breast Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29931. Sample no. 21692-A.)

Examination of a drug preparation, known as Breast Tea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 13, 1933, 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 a libel praying seizure and condemnation of 95 packages of Breast Tea at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about January 3, 1933, by the E. C. Diez Co., Inc., from New York, N.Y., to Newark, N.J., 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 comminuted plant material including licorice root, anise seed, coriander fruit, althea root, tussillago leaves, and mullein flowers.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label of the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Breast Tea * * * Is an excellent remedy for all the various affections of the Throat Such as Coughs, * * * Bronchitis, Sore Throat and Hoarseness. * * * Is an excellent * * * remedy against the various affections of the throat and the bronchial tubes and is most effective in colds of all kinds such as coughs, bronchitis, hoarseness and sore throat, etc." Misbranding was alleged for the further reason that the statement on the carton, "Guaranteed * * * Under the Food and Drugs Act, June 30, 1906. Serial number 6376", was misleading, since it created the impression that the article had been examined and approved and that the Government guaranteed that it complied with the law; whereas it had not been approved, and the Government did not guarantee that it complied with the law.

On April 11, 1933, 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.

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

20882. Adulteration and misbranding of Dr. Lee's Antiseptine powder, and misbranding of Dr. Lee's pills for kidneys, Dr. Lee's Wonderful herb tonic, Dr. Lee's vegetable female cordial, Dr. Lee's Nervine tonic, Dr. Lee's Prescription Number 3566 * * * for * * * kidneys, bladder & backache trouble, and Dr. Lee's rheumatic elixir. U. S. v. Corey Klein Co. Plea of nolo contendere. Fine, \$200. (F. & D. no. 27521. I. S. nos. 29706, to 29713, incl., 30905.)

This case was based on the interstate shipment of several drug preparations. Examination of the articles disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Three of the products, female cordial, Nervine tonic, and the so-called Prescription No. 3566 were found to contain less alcohol than declared on the labels. Tests of the Antiseptine powder showed that it was not an antiseptic under the conditions of use recommended on the label.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Corey Klein Co., a corporation, Worcester, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of April 28, 1930 and March 24, 1931, from the State of Massachusetts into the State of Pennsylvania, of quantities of Dr. Lee's pills for kidneys, Wonderful herb tonic, vegetable female cordial, Nervine tonic, Prescription Number 3566, and rheumatic elixir, which were misbranded and of a quantity of Dr. Lee's Antiseptine powder, which was adulterated and misbranded.

Analyses of samples of the articles by this Department showed that Dr. Lee's Antiseptine powder consisted essentially of boric acid (92 percent), aluminum sulphate (7.7 percent), salicylic acid (0.08 percent), and small proportions of menthol, thymol, eucalyptol, and methyl salicylate. The article was not antiseptic when used as directed. Dr. Lee's pills for kidneys consisted essentially of material derived from vegetable drugs such as buchu, uva ursi, and pichi; Dr. Lee's Wonderful herb tonic consisted essentially of plant drugs including aloe and sarsaparilla, a small proportion of an iodine compound, methyl salicylate, sassafras oil, alcohol, sugar, and water; Dr. Lee's