

alleging that the article had been shipped in interstate commerce on or about October 17 and October 19, 1931, by Sharp & Dohme, Inc., from New York, N.Y., to New Haven, Conn., 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 fell below the professed standard or quality under which it was sold, namely, on circular, "Ergotole is biologically assayed by the Cock's comb Method and standardized to the same potency as the Fluidextract of Ergot."

Misbranding was alleged for the reason that the statement above quoted, appearing in the circular was false and misleading, since the article had a potency of only one half of that required by the United States Pharmacopoeia for fluidextract of ergot.

On March 28, 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.*

20900. Misbranding of Marlin mineral crystals. U. S. v. 110 Packages of Marlin Mineral Crystals. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29701. Sample no. 24141-A.)

Examination of the drug preparation Marlin mineral crystals disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled to convey the misleading impression that the chemicals had been combined in such manner as to give them some extraordinary and mysterious potency.

On January 3, 1933, the United States attorney for the Eastern District of Missouri, 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 110 packages of Marlin mineral crystals at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 3, 1932, by the Marlin Mineral Water Co., from Marlin, Tex., to St. Louis, Mo., 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 sodium sulphate with a small proportion of sodium chloride and traces of magnesium sulphate and magnesium bicarbonate.

It was alleged in the libel that the article was misbranded in that the statement in the circular, "The chemicals are combined under great heat and pressure which seems to make them much more potent as in the case of radium", was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the carton and in the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "They are of special benefit for rheumatism, liver, stomach and intestinal troubles"; (circular) "The Health Package * * * Health * * * It neutralizes abnormal acidity and increases the alkalinity of the blood which must be alkaline for normal health. * * * for bone and teeth repair, for the tonicity of the heart and other muscles, for coagulation of the blood, and for the stability of the nervous system. * * * for the bowels and kidneys. * * * making it better for Bright's disease, high blood pressure, and acid indigestion. * * * for many chronic diseases like rheumatism, * * * liver, stomach, and intestinal troubles. When treating the following ailments * * * Auto-Intoxication. * * * to keep system free of poisons * * * Bad Complexion. * * * continue taking Marlin Crystals each morning until complexion clears. Kidney Trouble. * * * Add or decrease mineral contents according to reaction on kidneys and bowels. * * * [Testimonials] 'After taking one half box of your Marlin Crystals my rheumatism is better than has been for the past ten years.' 'I have taken one box of your Marlin Crystals and have found that they have helped me more than anything. I have had nervous indigestion for years.' * * * 'I am getting wonderful results from the use of Marlin Crystals. I have had kidney trouble for years but am much better now'."

On March 27, 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.*