

21553. Misbranding of Asma-Tea. U. S. v. 249 Packages, et al., of Asma-Tea. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 30620, 30621. Sample nos. 37408-A, 37411-A.)

Examination of the drug product, Asma-Tea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was claimed for the article that it contained no drugs, whereas analysis showed the presence of drugs.

On June 19, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 249 packages of Asma-Tea at Albany, Oreg., and 45 packages of Asma-Tea at Portland, Oreg. It was alleged in the libels that the article had been shipped in interstate commerce on or about December 31, 1932, and January 25, 1933, by the Asma-Tea Co., from New York City, to Albany, Oreg., that a part had been reshipped from Albany, Oreg., to Portland, Oreg., on or about February 25, 1933, and that it 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 ephedra, licorice, perilla seed, and a nut.

It was alleged in the libels that the article was misbranded in that the statement in the circular, "Contains no drugs", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "For Asthma, Bronchitis and Hay Fever * * * Asma-Tea * * * After getting entirely well, one can take it occasionally for a few days, especially when catching cold. By doing this, one can avoid a relapse. Important—In order to obtain the best results, one must take it every day for at least two weeks continuously * * * Asma-Tea Co. * * *", (envelop) "Asmatea for Asthma, Bronchitis and Hay Fever * * *", (circular) "Asma-Tea * * * The Gospel for sufferers of Asthma and Hay-Fever * * * Asthma in Japan, as in America and in countries all over the world, has wrought havoc because of its apparent incurability. * * * a tea, composed of various herbs for the relief of Asthma, Bronchial Asthma, and Hay-Fever. * * * in extreme cases of Asthma. * * * the startling thought that perhaps, at last, a cure had been found, where heretofore, the only relief afforded had been at best, temporary. * * * was overcome with a severe attack of Bronchial Asthma and was forced to take to his bed. * * * the General was afflicted with Asthma * * * he had suffered from Asthma for two years and had sought relief from famous Asthma Specialists * * * after two months of careful observance to Dr. Saiki's requests he was delighted to note the disappearance of all signs of his Asthma, and has had no recurrence since. * * * for the sake of humanity. * * * The tea * * * very successful in apparently hopeless cases of Asthma. * * * Asma-Tea has been successful in relieving many seemingly incurable cases of Asthma and Hay-Fever, and if you take it faithfully, and are convinced after the trial that your condition has not improved and that there is not a decrease in your discomfort from Asthma * * * Asma-Tea. * * * sufferers * * * Asma-Tea", (testimonials in circular) "'I have had wonderful results with the 'Asma-Tea.' I had a patient who had had Asthma since birth, and has never had an attack since taking the 'Tea' and have had good results in every case I have prescribed it. I had a case of Asthma some years ago who had been treated by physicians all over this country without beneficial results, she had wasted away until her weight was reduced, I think from 150 pounds to 90 pounds. She is entirely cured now. I saw her the day before yesterday, she is entirely free from Asthma and perfectly happy and has regained her former weight.—I can not give this remedy too much praise. Many cases were relieved by the tea when the use of ephedrine, the eradication of sinus infection and the use of autogenous vaccines failed. The tea would prove to be a valuable remedy in the hands of the general practitioner who is not equipped for skin testing or vaccine preparation and is unfamiliar with the use of ephedrine. In reply to your letter beg to say that having tried many remedies without success I finally succeeded in getting the Japanese Tea from you. I am pleased to say that it has given me decided relief and I am in hopes that eventually it will prove to be a cure. * * * Asma-Tea", (testimonial circular) "'Asma-Tea.' * * * I caught a bronchial cold, and in connection with it I suffered quite severly from Asthma. * * * advised the use of 'Asma-Tea.' * * * I commenced to get relief almost immediately, and after some days the symptoms

practically ceased; but I continued the treatment in order to secure a permanent cure, * * * I had no return of asthmatic symptoms for about a year, when I had a slight attack, which was permanently dissipated by renewing the treatment for about a fortnight."

On September 19, 1933, Foshay & Mason, Inc., Albany, Oreg., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned that it be relabeled in a manner satisfactory to this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21554. Misbranding of Live-On Treatment. U. S. v. 14 Small and 16 Large Bottles of Live-On Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30774. Sample no. 34310-A.)

Examination of the drug preparation, Live-On Treatment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 27, 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 a libel praying seizure and condemnation of 30 bottles of Live-On Treatment at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 8, 1932, by the Live-On Medicine Co., from Benton, Ill., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of rhubarb extract, tar, vinegar, alcohol, and sirup.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Liveon * * * Live-On treatment for chronic coughs and persistent colds * * *. The wonderful medicine for coughs * * * catarrhal bronchitis and bronchial asthma. A healing preparation for throat and lung troubles and pulmonary diseases due to colds. Live-on treatment for chronic coughs and persistent colds * * * Live-On * * * Live-On * * * a proven benefit in the treatment of chronic coughs, persistent colds and affections of the bronchial tubes due to colds. Live-On Medicines are as near a fountain of perpetual youth as anything discovered. * * * Live-On treatment for chronic coughs and persistent colds. * * * beneficial for the relief of chronic coughs and persistent colds. Coughs * * * Hoarseness and Sore Throat are diminished by the use of this treatment, body weight and appetite are increased in most cases and conditions are greatly improved. * * * heals the inflamed surfaces. We recommend Live-On treatment to be taken for coughs and colds, particularly those of long standing, and continue its use as long as the Cough or Cold remains. Live-On * * *."

On September 21, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21555. Misbranding of White Petrobalm and yellow petrolatum. U. S. v. 568 Jars of White Petrobalm and 81 Jars of Yellow Petrolatum. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30826, 30827. Sample nos. 42940-A, 42941-A, 42963-A.)

Examination of the White Petrobalm and Yellow Petrolatum involved in these cases disclosed that the articles contained no ingredient capable of producing certain curative and therapeutic effects claimed in the labeling. Sample jars taken from the yellow petrolatum were found to contain less than 2 ounces, the labeled weight.

On August 4, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 568 jars of White Petrobalm and 81 jars of yellow petrolatum at Scranton, Pa., alleging that the articles had been shipped in interstate commerce on or about March 10, 1933, by the Certified Pharmacal Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.