21789. Misbranding of Ormovin Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites. U. S. v. 134 Bottles of Ormovin Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31612. Sample no. 51505–A.)

Examination of the drug preparation involved in this case 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 impression that it contained an appreciable amount of malt, and no other important ingredients than declared, whereas it contained nux vomica, not mentioned in the name and declaration of ingredients, and but a negligible amount, if any, of the starch-digesting properties of malt extract.

On November 21, 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 a libel praying seizure and condemnation of 134 bottles of Ormovin Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about October 2, 1933, by the Ormont Drug & Chemical Co., Inc., from Long Island City, N.Y., 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 material derived from plant drugs, including malt, wild cherry, and nux vomica, sodium hypophosphite (0.6 percent) manganese hypophosphite (0.09 percent), iron hypophosphite (0.06 percent), alcohol, sugar, and water, and that it possessed but negligible, if any, starch-digesting properties.

It was alleged in the libel that the article was misbranded in that the name of the article, "Wine of Cod Liver Extract with Malt, Wild Cherry and Hypophosphites", and the statement upon the carton, "Ormovin presents, * * * the active principle of prime Cod Livers, together with the Hypophosphites of Sodium, Iron and Manganese, Malt Extract and Wild Cherry", were false and misleading, since the article contained material derived from nux vomica, not mentioned in connection with the name or declaration of composition, and it possessed but a negligible amount, if any, of the starch-digesting properties of malt extract. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels were false and fraudulent: (Bottle and carton) "Especially beneficial in cases of coughs * * * Bronchial and Lung Affections"; (carton) "Strength builder for anyone suffering from a run down condition or from general debility."

On December 22, 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.*

21790. Adulteration and misbranding of Epsom salt tablets and misbranding of aspirin tablets. U. S. v. Charles M. Hick (Charles M. Hick & Co.). Plea of guilty. Fine, $150. (F. & D. no. 28058. I.S. nos. 30444, 31259, 31260, 38151.)

This case was based on an interstate shipment of Epsom salt tablets and of three shipments of aspirin tablets. Analyses of the Epsom salt tablets showed that they contained but a negligible amount of Epsom salt, the laxative effect of the article being derived from aloe. Examination of the aspirin tablets disclosed that the labels bore unwarranted curative and therapeutic claims.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles M. Hick, trading as Charles M. Hick & Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 11, 1931, from the State of Illinois into the State of New York, of a quantity of Hick's Epsom salt tablets that were adulterated and misbranded; and on or about June 3 and June 11, 1931, from the State of Illinois, in part into the State of New York and in part into the State of California, of quantities of aspirin tablets that were misbranded.

Analyses of samples of the articles by this Department showed that the Epsom salt tablets consisted essentially of Epsom salt (4 grains per tablet) and aloe; and that the aspirin tablets contained approximately 5 grains and 4.8 grains of acetylsalicylic acid, respectively.

It was alleged in the information that the Epsom salt tablets were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that two tablets of the article were represented to be equivalent to one tablespoonful of pure Epsom salt, whereas two tablets of the article were not equivalent to one tablespoonful of pure Epsom salt, since they contained little, if any, Epsom salt.

Misbranding of the Epsom salt tablets was alleged for the reason that the statement, "Epsom Salts Compound Tablets Two tablets equivalent to one tablespoonful of pure Epsom Salts", borne on the boxes containing the article, and the statement, "Epsom Salts Tablets (Compound) Two Tablets equal one tablespoonful Salts, and have all the efficiency of powdered salts," borne on a display card accompanying the article, were false and misleading, since the article was not composed essentially of pure Epsom salt, two tablets were not equal to and equivalent to one tablespoonful of Epsom salt, and the article did not have all the efficiency of Epsom salt, since it was composed in part of aloe and contained little, if any, Epsom salts. Misbranding of the Epsom salt tablets was alleged for the further reason that the article was composed in part of aloe and contained little, if any, Epsom salt; that it was prepared in imitation of another article, Epsom salt tablets (compound) and Epsom salt compound tablets, and that it was offered for sale and sold under the name of another article.

Misbranding of the aspirin tablets was alleged for the reason that certain statements, designs, and devices appearing on display cards shipped with the article, and in a circular shipped with a portion, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for toothache, earache, rheumatism, lumbago, neuralgia, and sciatica.

On December 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of $150.

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

21791. Misbranding of Aspirsal. U. S. v. Charles M. Hick (Charles M. Hick & Co.). Plea of guilty. Fine, $25. (F. & D. no. 27531. I.S. no. 37819.)

Examination of the drug preparation, Aspirsal, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the display card shipped with the article.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles M. Hick, trading as Charles M. Hick & Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1931, from the State of Illinois into the State of Pennsylvania, of a quantity of Aspirsal that was misbranded. The article was labeled in part: "Hick's Pure Aspirsal Compounded * * * Chas. M. Hick & Co."

Analysis of a sample of the article by this Department showed that it consisted essentially of tablets containing acetylsalicylic acid (4.5 grains per tablet) and phenolphthalein.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the therapeutic and curative effects of the article, appearing on the display card, falsely and fraudulently represented that it was effective as a treatment for toothache, earache, rheumatism, lumbago, and sciatica.

On December 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

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

21792. Adulteration and misbranding of O.K. Magnesium Mineral Water. U. S. v. William E. Schmidt (O.K. Mineral Water Co.). Plea of guilty. Sentence deferred and defendant placed on probation for a period of 2 years. (F. & D. no. 30235. Sample no. 3347-A.)

This case was based on an interstate shipment of mineral water which was found to be polluted and which was not labeled with a statement of the quantity of the contents. The article was represented to be a magnesium mineral water, whereas only about one-third of the salts present therein were magnesium salts. The labeling also bore unwarranted curative and therapeutic claims.