

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.