

harmful habit. Physicians declare cascara an ideal laxative \* \* \* So you need never hesitate to take Cascarets or to give them to children", (wholesale carton, retail metal container, and circular) "Candy Cathartic Cascarets", were false and misleading, since they conveyed the impression that the article was composed of an extract of cascara sagrada, licorice, and cane sugar; that its active therapeutic agent was cascara sagrada extract; that it was essentially a preparation of cascara sagrada and was essentially a candy; whereas it contained phenolphthalein, a cathartic drug synthetically prepared from phenol (carbolic acid) and phthalic anhydride; its physiologically active constituents were not derived solely from cascara sagrada; and the article was not candy. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Circular) "Constipation of stubborn kind may be treated by a Cascaret morning and night until bowels are thoroughly flushed and have regained their normal, regular action. \* \* \* in extreme cases"; (tin container) "For habitual constipation take one tablet at night and one in the morning; continue until relieved."

On December 21, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be delivered to the Food and Drug Administration of this Department for use in analytical research.

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

**21794. Misbranding of McMahon's Solution of Calcium Creosote. U. S. v. 110 Bottles of McMahon's Solution of Calcium Creosote. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31061. Sample nos. 17980-A, 17981-A.)**

Examination of the drug preparation, McMahon's Solution of Calcium Creosote, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels. Analysis also showed that the article contained less creosote than was declared on the label.

On September 8, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and subsequently an amended libel praying seizure and condemnation of 110 bottles of McMahon's Solution of Calcium Creosote at Beaumont, Tex., alleging that the article had been shipped in interstate commerce in part on or about December 24, 1931, and in part on or about February 10, 1933, by the McMahon's Manufacturing Co., from De Ridder, La., 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 a calcium and creosote compound (3 percent), water (97 percent) and creosote (per one-half fluidounce 5 minims).

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Each half fluid ounce represents ten to twelve minims of \* \* \* Creosote USP.", was false and misleading. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton and bottle) "For coughs \* \* \* sore throat and bronchitis. Directions for an adult one tablespoonful; twelve years old two teaspoonfuls; seven years old one teaspoonful; under one year twenty drops to be given every two to four hours as indicated by severity of the case."

On November 3, 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.*

**21795. Adulteration and misbranding of Nestor Emulsion of Pure Cod Liver Oil. U. S. v. Nestor Drug & Chemical Co. and Julius Loeser. Plea of guilty. Fine, \$250. (F. & D. no. 30217. Sample no. 13902-A.)**

Examination of the drug preparation, Nestor Emulsion of Pure Cod Liver Oil, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was also found to contain less cod-liver oil than was claimed on the carton. The declarations of alcohol on the bottle and carton were incorrect and inconsistent.

On November 2, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in