

torpid liver, biliousness, nervous and sick headache, indigestion, and inactive liver, were false and fraudulent.

Misbranding of the Wallace's Liverade was alleged for the reason that the statements upon the carton labels and the accompanying circular, regarding the curative or therapeutic effect of the article in the treatment of indigestion, sick headache, dizziness, biliousness, torpid liver, headache, fevers, habitual constipation, and piles, were false and fraudulent.

Misbranding of the Liverade was alleged for the further reason that the statement on the carton label, "Not over 15% Alcohol", was misleading, since it contained only 9.1 percent of alcohol by volume, and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect.

On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

21981. Misbranding of Dr. Jayne's Bryo-da Tonic Pills. U. S. v. 27 Packages of Dr. Jayne's Bryo-da Tonic Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31790. Sample no. 37882-A.)

Examination of the drug product involved in this case 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 and in a circular shipped with the article. The circular also purported to declare the formula of the article. Analysis showed that this printed formula was incorrect and incomplete.

On or about December 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of Dr. Jayne's Bryo-da Tonic Pills at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 17, 1933, by Dr. D. Jayne & Son, Inc., from Philadelphia, Pa., 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 iron powder (0.039 gram per pill), calcium and manganese glycerophosphates, copper sulphate, and extracts of plant drugs, including red pepper and nux vomica.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading, since they were neither correct nor complete statements of the composition of the pills:

Formula—Each Pill Contains:

Ferr. Reduct.....	.0162 Gm.	Ext. Gentian.....	.0081 Gm.
Calc. Glycerophos.....	.0646 Gm.	Pulv. Glycrrh., Acac. & Sacros.	
Ext. Nux Vom.....	.0020 Gm.	Q. S.....	.3050 Gm.
Oleores Capsic.....	.0016 Gm.		

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent: (Bottle label) "Enriches Blood * * * Renews Vitality * * * enriches the blood, restores appetite, increases weight, strength and vitality. Splendid for nervous and physical exhaustion and general debility"; (carton) "For Blood Building * * * for Red Blood Vitality * * * Beauty for Underweight Anemia * * * Chronic Fatigue * * * For Weak Thin Nervous Men and Women * * * Strength for Underweight Low Vitality Chronic Fatigue"; (circular) "Reconstructive * * * A Systemic Aid for General Run-down Conditions, Lack of Vitality, Weakness and Loss of Appetite. * * * Rich, red blood is absolutely necessary to health and strength and as Iron is a most essential factor in making and maintaining rich, red blood, it is easy to see how important it is that the proper amount of Iron is constantly maintained in the human system. Under normal conditions the Iron necessary to supply the blood is absorbed from certain of the foods one eats, but when from Overwork, Illness, Loss of Blood (either from natural or accidental causes) and insufficient food, due to lack of appetite, the Iron necessary to supply the blood is deficient. The ordinary diet will not supply Iron rapidly enough and it therefore must be introduced into the

system rapidly. This is the purpose of Bryo-da which contains Reduced Iron, the form in which Iron is most easily absorbed into the human system. Reduced Iron, when absorbed into the system, appears as a component in the Red Cells of the Blood—that all important strength bearing fluid that flows through every muscle, organ, tissue and bone carrying in it the elements necessary to replace those worn out by overwork, worry and disease. A person, either adult or child, without sufficient Iron in their Blood, becomes pale and listless, lacks energy and endurance—is usually under their proper weight, has a poor appetite and feels tired all the time. Dizziness and 'light-headedness' are often symptoms of lack of sufficient blood. Young girls just maturing, children who are 'out-growing their strength' must have rich blood—blood with Iron in it; and a good healthy appetite for food that will build up their strength and supply the necessary materials for their nerves, muscles and bones. * * * helps to build up wasted tissues. * * * Pregnant women have a heavy drain on their systems, as they must supply blood and bone tissue nourishment to their unborn child. New mothers are often exhausted after child-birth and need a suitable nonalcoholic tonic to rebuild their strength. Bryo-da supplies all the elements most needed in the human system * * *. As the conditions for which Bryo-da is recommended are usually of slow development, it must not be expected that immediate improvement will follow the first doses, but within a few days an increase of appetite will be noted—which is an indication that the treatment is beginning to take effect. Bryo-da should be taken regularly *every day*—two Pills *before* each meal (three times a day) without fail, * * *. Children must be given one Pill at a dose, if they resent taking the regular doses. The treatment should be continued for at least a month—and longer if possible * * * the improved condition of the user."

On February 7, 1934, 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.*

1982. Misbranding of Gep Quai Yok Due. U. S. v. 240 Pint Size and 120 Quart Size Bottles of Gep Quai Yok Due. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31664. Sample no. 23465-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. Analysis of the article showed that it contained more alcohol than was declared on the label.

On December 5, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 pint bottles and 20 quart bottles of Gep Quai Yok Due, at Seattle, Wash., alleging that the article had been shipped by the Herry Co., from San Francisco, Calif., on or about November 14, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gep Quai Yok Due * * * Prepared by Louie Chong Dai Chinese Herb Co., * * * San Francisco, Calif."

Analysis of a sample of the article by this Department showed that it consisted essentially of a small proportion of material of plant or animal origin, alcohol (29.5 percent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Twenty Five Percent Alcohol by Volume", was false and misleading, since the article contained more than 25 percent of alcohol. Misbranding was alleged for the further reason that the statement on the label, regarding the curative or therapeutic effect of the article, "For Rheumatism", was false and fraudulent.

On January 6, 1934, the Fung Yuen Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this Department.

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