

22331. Misbranding of whisky. U. S. v. 500 Cases of Whisky. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31820. Sample no. 56061-A.)

This case involved a shipment of whisky, the labels of which bore unwarranted curative and therapeutic claims.

On or about January 11, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases of whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 22, 1933, by the American Medicine Spirits Co., Inc., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Old Grandad Bottled in Bond Since 1788 Whisky."

It was alleged in the libel that the article was misbranded in that the following statements on the carton, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Meritorious in treating pulmonary conditions, la grippe, influenza, bronchitis, stomach complaints, malaria, typhoid and other low fever, * * * to render system immune from various diseases * * * Externally for ulcers."

On March 6, 1934, the American Medicinal Spirits Co., 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 \$15,000, conditioned that it be relabeled under the supervision of this Department.

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

22332. Misbranding of Skin Ease. U. S. v. 25 Boxes of Skin Ease. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31788. Sample no. 50759-A.)

Examination of a sample of Skin Ease showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 30, 1933, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 boxes of Skin Ease at Montgomery, Ala., alleging that the article had been shipped in interstate commerce, on or about June 16, 1931, by Osteen & Co., Inc., from Orlando, Fla., 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 salicylic acid (22.5 percent) incorporated in an ointment base including lard.

It was alleged in the libel that the article was misbranded in that the following statements on the box label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Skin Ease, A Guaranteed Remedy for Eczema * * * Tetter, Ground Itch, Barbers Itch, Itching Piles, Sore Blistered Feet * * * Directions Apply Small amount of Salve to affected parts."

On March 23, 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.*

22333. Misbranding of Parker's Stock Powder. U. S. v. Charles Edward Parker (Parker Homestead Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. no. 30250. I. S. no. 50807.)

Examination of a sample of Parker's Stock Powder showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 19, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Edward Parker, trading as the Parker Homestead Co., Shenandoah, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about February 5, 1932, from the State of Iowa into the State of Missouri, of a quantity of Parker's Stock Powder which was misbranded. The article was

labeled in part: (Sack) "Parker's Stock Powder, * * * M'FD by C. E. Parker Feed Co. Shenandoah, Iowa."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate, sodium bicarbonate, sulphur, charcoal, and small proportions of chenopodium and sodium thiosulphate.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular shipped with the article, falsely and fraudulently represented that it was effective as a wormer; effective to keep hogs in good shape; effective as a treatment, remedy, and cure for necro or enteritis, worms, white scours or other ailments and hog troubles, hog cholera and as a preventive of hog cholera; effective to help build up vitality and disease resistance; effective as a treatment, remedy, and cure for hog flu; effective to relieve fever and constipation; and effective as a treatment, remedy, and cure for thumps, bull nose—necrotic rhinitis-paralysis of the hind quarters and rickets, and for colic in horses.

On February 14, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs. The fine was subsequently reduced to \$50 and costs.

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

22333—A. Misbranding of Dri-Tone. U. S. v. Charles Edward Parker and Floyd F. Hopkins (Dri-Tone Co.). Pleas of guilty. Fines, \$150 and costs. (F. & D. no. 30250. I. S. no. 50879.) Sample no. 23872—A.

Examination of samples of Dri-Tone showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 19, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Edward Parker and Floyd F. Hopkins, copartners trading as the Dri-Tone Co., Shenandoah, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 4, 1932, from the State of Iowa into the State of Nebraska, and on or about September 29, 1932, from the State of Iowa into the State of Missouri, of quantities of Dri-Tone which was misbranded.

The article was labeled in part: (Drum) "Dri-Tone * * * Dri-Tone Co. Shenandoah, Iowa."

Analyses of two samples of the article by this Department showed: (1) the sample consisted essentially of dried sodium sulphate, sodium bicarbonate, charcoal, ground American wormseed, and small proportions of guaiacol and zinc phenolsulphonate; (2) the sample consisted essentially of sodium sulphate, sodium bicarbonate, small proportions of magnesium carbonate, charcoal, zinc phenolsulphonate, iron oxide, aluminum oxide, American wormseed and guaiacol.

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 drum label, falsely and fraudulently represented that it was effective as a treatment for hog diseases; effective as a wormer for hogs; effective to tone up the system, regulate the bowels and stimulate the appetite; effective as a treatment, remedy, and cure for necro (enteritis, necrotic enteritis, necrobacillosis), flu (swine influenza, infectious bronchitis), hog cholera, white scours (diarrhea), bull nose (sniffles, necrotic rhinitis), thumps (spasms of the diaphragm), worms, paralysis of the hind quarters, and rickets.

On February 14, 1934, the defendants entered pleas of guilty, a fine of \$100 on each of the two counts was imposed against Charles Edward Parker, and a fine of \$25 was imposed against Floyd F. Hopkins on each of the two counts of the information. On April 24, 1934, the fine of Charles Edward Parker was reduced to \$50 on each count. Costs were assessed against both defendants.

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

22334. Misbranding of Epsom salt. U. S. v. 295 Cases and 250 Cases of Epsom Salt. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 31581, 31582. Sample nos. 60041—A, 60042—A, 60043—A.)

This case involved interstate shipments of Epsom salt which was labeled with unwarranted curative and therapeutic claims.

On November 13, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the