

been shipped in interstate commerce, on or about March 3, 1934, by Husband's Magnesia Co., 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 magnesium oxide.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on a display card accompanying the article, were false and fraudulent: "For Indigestion * * * Dyspepsia, Rheumatism * * * Biliousness * * * Colic and Children's Complaints."

On June 6, 1934, Husband's Magnesia Co., Inc., Philadelphia, Pa., 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 conditioned that it be relabeled under the supervision of this Department.

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

22637. Misbranding of Germol. U. S. v. 8 Large and 36 Small Bottles of Germol. Default decree of destruction. (F. & D. no. 32541. Sample nos. 68690-A, 68691-A.)

Examination of the drug preparation Germol showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 14, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 large and 36 small bottles of Germol at Paducah, Ky., alleging that the article had been shipped in interstate commerce on or about March 1, 1934, by the Paris Chemical Co., from Huntingdon, Tenn., 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 of a dilute solution of hydrochloric acid in water, colored red.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "Germol * * * Recommended for indigestion, stomach, liver and kidney troubles. * * * It helps nature to digest, and restores lost appetite, * * * a relief for dyspepsia and heartburn. * * * used as a prophylactic, it counteracts and dissolves bilious deposits. Germol It helps nature digest and assimilate the food. It is an antiseptic that prevents putrefaction. It is recommended for dyspepsia, heartburn, sour or swollen stomach, and usually restores lost appetite. Germol is an excellent tonic for rundown constitutions. * * * but helps nature perform its functions, and regulates the stomach and bowels, and a tonic for the liver and kidneys. Directions for indigestion or stomach trouble take one teaspoonful in two-thirds glass of water three times a day just after each meal. Children less, according to age. * * * For acute attacks of sick or swollen stomach, sick headache, etc. If first dose does not relieve, repeat the dose in one hour [similar statements on the carton]."

On June 6, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

22638. Misbranding of Georgia Crystal Compound. U. S. v. 120 Packages of Georgia Crystal Compound. Default decree of destruction. (F. & D. no. 32551. Sample no. 68692-A.)

This case involved a product labeled to convey the impression that it was obtained from the waters of Warm Springs, Ga., but which was found to consist essentially of sodium sulphate (Glauber's salt). The labeling also bore unwarranted curative and therapeutic claims.

On April 17, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended May 25, 1934), against 120 packages of Georgia Crystal Compound at Paducah, Ky., alleging that the article had been shipped in interstate commerce, on or about March 23, 1934, by the Warm Springs Crystal Co., from Warm Springs, Ga., and charging misbranding in violation of the

Food and Drugs Act as amended. The article was labeled in part: "Georgia Crystal Compound Georgia Crystal Co., Warm Springs, Georgia."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Georgia Crystal Compound Georgia Crystal Co. Warm Springs, Georgia", was false and misleading, since it created a misleading impression regarding the origin of the article. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Beneficial for * * * Sour Stomach, Heartburn, hyperacidity of the stomach."

On June 6, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

22639. Adulteration and misbranding of whisky. U. S. v. 189 Cases of Old Polk Straight Whisky, et al. Product adjudged adulterated and misbranded. Released under bond for relabeling. (F. & D. nos. 32712, 32713. Sample nos. 64827-A to 64840-A, incl.)

These cases involved a product represented to be medicinal whisky, but which differed from the requirements of the United States Pharmacopoeia. The alcohol declaration was made on the label as "Proof" and not in percentage of alcohol.

On May 17, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 474 cases of Old Polk Whisky, 623 cases of Old Hardesty whisky, 260 cases of White Mills whisky, 280 cases of Lyndale Whisky, and 125 cases of Kentucky Hill whisky at Kansas City, Mo. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of February 19 and March 23, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article in each instance was labeled, "For Medicinal Purposes Only."

Analyses of samples of the article by this Department showed that it did not conform to the specifications of the United States Pharmacopoeia. In each instance the article was found to contain caramel, specifically prohibited by the pharmacopoeia; it failed to meet the pharmacopoeial test indicating storage in wood barrels for a period of not less than 4 years; and the odor and taste were "raw", not characteristic of whisky conforming to the requirements of the pharmacopoeia. In several instances the acidity was less than the minimum permitted by the pharmacopoeia. It contained approximately 49 percent of alcohol by volume.

The libels charged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated upon the labels.

Misbranding was alleged for the reason that the packages failed to bear a statement on the labels of the quantity or proportion of alcohol contained in the article.

On May 29, 1934, the Brown-Forman Distillery Co., Louisville, Ky., claimant, having admitted the allegations of the libels and having consented to the entry of decrees condemning and forfeiting the property, judgments were entered finding the product adulterated and misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of bonds totaling \$10,000, conditioned that it should not be disposed of until relabeled and filled.

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

22640. Misbranding of witch hazel. U. S. v. 285 Bottles of Witch Hazel. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 32716. Sample no. 67773-A.)

This case involved an interstate shipment of extract of witch hazel, the label of which bore unwarranted curative and therapeutic claims.

On May 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the