

that the article had been shipped in interstate commerce, on or about February 24, March 9, and April 6, 1934, by the Brown-Forman Distillery Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Webwood A Blend of Whiskies", and "Gilded Age A Blend of Whiskies Brown-Forman Distillery Co. Incorporated at Louisville in Kentucky."

It was alleged in the libels 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, and purity, as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "For Medicinal Purposes Only", was false and misleading, 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.

On August 25, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed.

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

**22983. Misbranding of D. D. Capsules. U. S. v. 19 Dozen Packages of D. D. Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32749. Sample no. 71265-A.)**

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

On May 24, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 dozen packages of D. D. Capsules at Portland, Oreg., alleging that the article had been shipped in interstate commerce, in part on or about July 20, 1933, by the D. D. Distributing Co., from San Francisco, Calif., in part on or about August 28, 1933, and in part on a date unknown in the year 1933, by the Duray Distributing Co., from Spokane, or Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "D. D. Capsules \* \* \* Duray Distributing Co., Domestic Division Seattle, U. S. A."

Analysis of a sample of the article by this Department showed that it consisted essentially of salol, a protein-containing substance, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "Have proven successful in High Blood Pressure"; (circular accompanying package) "Before Treatment \* \* \* Systolic, Diastolic, After Treatment Systolic, Diastolic."

On July 5, 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.*

**22984. Adulteration and misbranding of whisky. U. S. v. 12 Cases of Whisky. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32756. Sample no. 67580-A.)**

This case involved a product sold as whisky for medicinal purposes. Examination showed that it failed to conform to the requirements of the United States Pharmacopoeia, and that the packages were not labeled to show the percentage of alcohol by volume.

On May 24, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of whiskey at Hoboken, N. J., alleging that the article had been shipped in interstate commerce, on or about January 6, 1934, by the Frankfort Distilleries, from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Vandergrift Whiskey—A Blend Bottled and Blended by the Sherwood Distilling & Distributing Co. Baltimore, Maryland."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and dif-

ferred from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "For Medicinal Purposes Only", was false and misleading, 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.

The Sherwood Distilling & Distributing Co., Baltimore, Md., filed a claim and answer alleging that the product had been shipped in interstate commerce by the said Sherwood Distilling & Distributing Co., and admitting that it was misbranded. On July 20, 1934, 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 \$240, conditioned that it be relabeled in accordance with the requirements of the Food and Drugs Act.

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

**22985. Misbranding of Elroy's Six Point Remedy. U. S. v. 34 Packages of Six Point Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32765. Sample no. 48771-A.)**

This case involved a drug product that was labeled with unwarranted curative and therapeutic claims.

On May 28, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of Elroy's Six Point Remedy at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by Elroy's Six Point Remedy, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of cottonseed oil, camphor, turpentine oil, small proportions of other volatile oils and 1.5 grams per bottle of quinine sulphate in suspension.

The article was alleged to be misbranded in that certain statements in the circular shipped with the article falsely and fraudulently represented that it was effective as a treatment for arthritis, rheumatism, neuritis, sinus infections, catarrh, sore throat, tonsillitis, varicose vein ulcers, sores, running sores, pyorrhea, sore and bleeding gums, pleurisy, pneumonia, blisters between the toes, sore scalp, and all different forms of rheumatism; as effective in relieving congestion in cases of sore throat; and as effective in healing sore lips and relieving pain.

On July 5, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

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

**22986. Misbranding of Borash. U. S. v. 12 Bottles of Borash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32784. Sample no. 67570-A.)**

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable since the principal therapeutic action of the product would result from Epsom salt, a mineral drug or chemical capable of causing injury, and it contained undeclared alcohol, therefore the claims that it contained no minerals or drugs, was absolutely safe and harmless, and contained no alcohol, and the impression conveyed that its therapeutic effect was derived from material obtained from borage or other plant sources, were false and misleading.

On May 31, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Borash at Jamaica, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 16, 1932, by the J. W. Wilking Co., Inc., from Hoboken, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Borash 'Borage' Webster."

Analysis showed that the product consisted essentially of Epsom salt (16.5 g per 100 ml), plant extractive, alcohol (1.4 percent by volume), small proportions of benzoic and acetic acids, sugar, and water.

The article was alleged to be misbranded in that the statements, (bottle) "Borash 'Borage' Webster", (circular) "Borash", and the picture of a flowering plant on the bottle and in the circular; the statements, (bottle) "The con-