

**23004. Misbranding of Dr. Lindsey's Improved Blood Searcher and Medical Discovery, Chamberlain's Cough Remedy, Sal-Fruitol, Gordon's Three Sevens (777), Dr. Duffy's Anti-Bilious Pills, K-W Syrup of Tar and Horehound Compound, Breeden's Rheumatic Compound, Byrd's Vapor Salve, and Pe-Ru-Na Tablets. U. S. v. 20 Bottles of Dr. Lindsey's Improved Blood Searcher and Medical Discovery, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33006. Sample nos. 70301-A to 70308-A, incl., 70310-A to 70312-A, incl.)**

This case involved various drug preparations, the labels of which bore unwarranted curative and therapeutic claims. The Lindsey's Improved Blood Searcher and Medical Discovery was represented to be a vegetable compound and to be harmless; whereas it contained ingredients not of vegetable origin, and it might be harmful. The Sal-Fruitol was represented to be composed of ingredients derived from fruit, whereas it contained substances not derived from fruit.

On June 28, 1934, the United States attorney for the Southern 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 various drug preparations at New York, N. Y., alleging that the articles had been shipped in interstate commerce, at some time or times in April 1934, by Gilbert Bros. & Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Dr. Lindsey's Improved Blood Searcher and Medical Discovery \* \* \* W. J. Gilmore Drug Co. \* \* \* Pittsburgh, Penn.;" "Chamberlain's Cough Remedy \* \* \* Chamberlain Medicine Co., Des Moines, Iowa;" "Sal-Fruitol \* \* \* The Sal-Fruitol Company, Baltimore, Maryland"; "Gordon's Three Sevens (777) \* \* \* Porjas Chemical Company, Wilmington, N. C.;" "Pe-Ru-Na Tablets \* \* \* The Pe-Ru-Na Company, Columbus, Ohio"; "Dr. Duffy's Anti-Bilious Pills \* \* \* The F. S. Duffy Medicine Company, New Bern, N. C.;" "K-W Syrup of Tar and Horehound Compound \* \* \* Morris Drug Co. \* \* \* York, Penna.;" "Breeden's Rheumatic Compound \* \* \* Breeden Drug Co., Inc., Memphis, Tenn." "Byrd's Vapor Salve \* \* \* Blue Ridge Chemical Corporation, Rocky Mount, Va."

Analyses showed that the Lindsey's Improved Blood Searcher and Medical Discovery consisted essentially of extracts of plant drugs, salicylic acid (0.1 percent), alcohol (10 percent), and water; that the Chamberlain's Cough Remedy consisted essentially of ammonium chloride (2 grains per fluid ounce), extracts of plant drugs, sodium benzoate (4 grains per fluid ounce), sugar, and water; that the Sal-Fruitol consisted essentially of Epsom salt, tartaric acid, sodium bicarbonate, and caffeine (1 per cent), flavored with lemon oil; that the Gordon's Three Sevens consisted essentially of Epsom salt (59 g per 100 ml), iron chloride (0.8 g per 100 ml), quinine (0.15 g per 100 ml), and water; that the Pe-Ru-Na Tablets consisted essentially of extracts of plant drugs and compounds of iron, calcium, and phosphorus, including a carbonate; that the Dr. Duffy's Anti-Bilious Pills consisted essentially of extracts of plant drugs including rhubarb and aloe, magnesium oxide and small proportions of calcium and sodium compounds; that the K-W Syrup of Tar and Horehound consisted essentially of tar, extracts of plant drugs, chloroform, alcohol (4.8 percent), and water; that the Breeden's Rheumatic Compound consisted essentially of potassium iodide (1.5 g per 100 ml), extracts of plant drugs including colchicum, alcohol, and water; that the Byrd's Vapor Salve consisted essentially of volatile oils including camphor, menthol, and cassia oil incorporated in an ointment base consisting of a large proportion of petrolatum and a small proportion of fat.

The libel alleged that Dr. Lindsey's Improved Blood Searcher and Medical Discovery and the Sal-Fruitol were misbranded in that the following statements on the cartons were false and misleading: (Dr. Lindsey's Improved Blood Searcher and Medical Discovery) "Guaranteed \* \* \* under the Food and Drugs Act, June 30, 1906, Guaranty No. 1560 \* \* \* This remedy is a Vegetable Compound, and cannot harm the most tender infant"; (Sal-Fruitol) "Sal-Fruitol \* \* \* The Sal-Fruitol Company \* \* \* Sal-Fruitol is prepared with a pure fruit acid base. It retains to a remarkable extent the freshness and natural laxative action of the ripe succulent fruit \* \* \* When you think of Sal-Fruitol think of the vineyards of California, of the Lemon groves of Messina and Florida and the Lime trees of Sicily and the tropics. All contribute to make Sal-Fruitol 'the laxative with the pleasant taste.'"

Misbranding of all products was alleged for the reason that the following statements in the labelings, regarding their curative and therapeutic effects,

were false and fraudulent: (Dr. Lindsey's Improved Blood Searcher and Medical Discovery, carton) "Give me the Blood Searcher It Saved others, it will save me. \* \* \* 'Blood Searcher' \* \* \* True and Original Purifier of the Blood \* \* \* Ladies who suffer from debilitating diseases will find speedy relief by using this remedy. \* \* \* Ladies desiring to get rid of Blotches and Flesh worms (Black Heads) from the face, neck, shoulders and arms, should not fail to use This article, as it softens and whitens the skin and brings back the Bloom of Youth, renewed vigor and a longer lease of Life. It is the Great Life-Giving Power and Relief For Malaria, Scrofula, Erysipelas, Tetter, Pimples. Fever and Ague, Cancer, Salt Rheum, Boils, Ulcers, Sore Eyes, Dyspepsia \* \* \* Piles, Nervousness, Rheumatism, Indigestion, Biliousness, Weakness, Loss of Appetite, Mercurial, and all Blood Diseases [very similar statements appearing on the bottle label and circular]"; (Chamberlain's Cough Remedy, carton) "Cough \* \* \* For the Relief of Coughs, \* \* \* Spasmodic Croup, Whooping Cough, Hoarseness Bronchial Coughs \* \* \* for Coughs, \* \* \* Spasmodic Croup and Whooping Cough \* \* \* Cough \* \* \* [very similar statements also being made on the carton in foreign languages, and generally similar statements being made in English and foreign languages in the circular]"; (Sal Fruitol, 35-cent and 60-cent sizes, carton) "Eliminant \* \* \* for disorders of the stomach and liver, chronic constipation, nausea, and in gout and rheumatism. Recommended by dentists for pyorrhea. \* \* \* for \* \* \* kidney affections and kindred disorders. \* \* \* for Indigestion, Nausea and periodic, habitual and acute constipation. Relieves Congestion of the Intestines and Kidneys, Hepatic and Intestinal Torpor. Promotes the elimination of Uric Acid and is indicated in Uric Acid, Gouty and Rheumatic Diatheses. In Acute Febrile Conditions \* \* \* Useful as an eliminant of metabolic poisons in Rheumatic Gout and Uremia. Esteemed as an evacuant in Dropsical Effusions. Recommended by dentists for Pyorrhea [similar statements appearing on the label and circular]"; (Gordon's Three Sevens (777), bottle label) "Malaria, Chills and Fevers La Grippe and Indigestion \* \* \* can be taken while fever is on. \* \* \* For Fevers, \* \* \* and Grippe \* \* \* Indigestion [similar statements appearing upon the circular]"; (Pe-Ru-Na Tablets, tin label) "For Coughs \* \* \* Catarrhal Diseases and Where a Tonic Is Desired \* \* \* In ordinary cases of chronic catarrh of any organ, \* \* \* In coughs, \* \* \* or acute congestions of the head, throat or lungs, it is recommended to take one tablet every hour or two until coughing ceases. \* \* \* for catarrhal conditions and such cases where a convalescent requires a tonic"; (Dr. Duffy's Anti-Bilious Pills, label, envelop) "Anti-Bilious \* \* \* in actual attacks of the liver and in early stages of bilious fever"; (circular) "Waste products are not eliminated thoroughly nor thrown off but remain in the system, poisoning the blood and causing Biliousness, Rheumatism, Autointoxication, Kidney Trouble \* \* \* Sick Headache, Malaria, Neuralgia, Liver Complaints and other kindred ills"; (K-W Syrup of Tar and Horehound Compound, carton) "Coughs, \* \* \* and various affections of the Throat, Chest, and Lungs. For Croup, Shortness of Breath and All Affections of the Throat and Lungs For Coughs, \* \* \* Whooping Cough, Sore Throat, Hoarseness, Inflammation of the Lungs, Asthma [very similar statements appearing on the circular and bottle label]"; (Breedon's Rheumatic Compound, carton) "Rheumatic \* \* \* Rheumatism \* \* \* [very similar statements appearing on the bottle label and circular]"; (Byrd's Vapor Salve, carton) "In Treatment of Lumbago \* \* \* Rheumatism \* \* \* Backache \* \* \* Neuritis Stiff Neck Stiff Joints Sciatica Muscular Contractions Bronchitis Tonsillitis Piles \* \* \* For Coughs, \* \* \* Croup, Catarrh, Pneumonia Symptoms and all forms of Congestion, Inflammation etc. Cuts \* \* \* Sore Joints, \* \* \* Sore Throat, etc. [very similar statements appearing on the jar label]."

On July 16, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

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

**23005. Misbranding of extract of witch hazel. U. S. v. 143 Bottles of Extract of Witch Hazel. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 33042. Sample no. 70562-A.)**

This case involved a shipment of witch hazel which was labeled with unwarranted curative and therapeutic claims. It also was claimed for the article that it was a pharmacopoeial product, whereas extract of witch hazel is not recognized in the United States Pharmacopoeia.