

then continue as before when this trouble should have disappeared. * * * about 3 months continued treatment is usually necessary for permanent results."

On August 29, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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

23015. Misbranding of Alberty's Calcatine. U. S. v. 40 Dozen Packages and 30 Dozen Bottles of Alberty's Calcatine. Decrees of condemnation and forfeiture. Product released under bond to be re-labeled. (F. & D. nos. 33107, 33273. Sample nos. 69241-A, 2608-B.)

These cases involved shipments of Alberty's Calcatine, the labels of which contained unwarranted curative and therapeutic claims.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 dozen packages of Alberty's Calcatine at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois, against 30 dozen bottles of Alberty's Calcatine at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about September 26, 1933, by the Alberty Food Laboratories, and in part on or about January 27 and February 17, 1934, by U. S. Okey (a fictitious name used by the Alberty Food Laboratories), from Hollywood, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of milk sugar and small proportions of compounds of calcium and phosphorus. The total ash (inorganic material) yielded by the tablets was 0.04 milligram each.

The article was alleged to be misbranded in that the statements on the label, "Alberty's Calcatine Calcium elements combined in an organic form. * * * conditions growing out of lack of calcium in system", were false and fraudulent, since they created the impression that the article would supply the calcium needed in calcium-deficient conditions, when, as a matter of fact, the calcium furnished by the tablets, when taken in accordance with directions appearing on the label, viz: "Take 3 pellets every 2 hours for first 30 days then 3 pellets before meals", would be essentially inconsequential.

On October 11 and October 29, 1934, Thomas Martindale & Co., Philadelphia, Pa., and Adah Alberty, trading as Alberty's Food Laboratories, Hollywood, Calif., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

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

23016. Adulteration and misbranding of Alberty's German Herb Lax-Tonic. U. S. v. 9 Cartons, et al., of Alberty's German Herb Lax-Tonic. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33108, 33274. Sample nos. 69242-A, 2609-B, 2612-B.)

These cases involved shipments of a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable since it contained false and misleading representations that the product was of German origin and that it was safe, noninjurious, and harmless; and since it was not composed of the ingredients listed in the alleged formula.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 dozen boxes of Alberty's German Herb Lax-Tonic at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois against 9 cartons and 12 dozen cartons of the same product at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, from Hollywood, Calif., in part on or about September 26, 1933, by the Alberty Food Laboratories, into the State of Illinois, and in part on or about December 16, 1933, and February 17, 1934, by U. S. Okey, into the State of Pennsylvania, and that it was misbranded, and a portion was adulterated in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of anise, fennel, senna, althea, licorice, frangula, dog grass, equisetum, yarrow, and elder flowers.

The libel filed in the Northern District of Illinois charged that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold: (Booklet) "Our Formula is Composed of Elder Flowers, Ononis Root, Buchu leaves, guaiac wood, shave Grass, Yarrow, Althea Leaves, Buckthorn, Uva Ursi Leaves, Dog Grass, Nettle Leaves, Licorice Root, Peppermint, Sassafras Bark, Anise Seed, Fennel Seed."

Misbranding of both lots was alleged for the reason that the statements in the labeling, (carton) "Deutsche Fräuter—Tea German Herb Lax-Tonic" and (booklet) "Our Formula is Composed of Elder Flowers, Ononis Root, Buchu Leaves, Guaiac Wood, Shave Grass, Yarrow, Althea Leaves, Buckthorn, Uva Ursi Leaves, Dog Grass, Nettle Leaves, Licorice Root, Peppermint, Sassafras Bark, Anise Seed Fennel Seed", were false and misleading, since it was not a German preparation and was not made of ingredients originating in Germany and was not composed of the ingredients stated in the booklet. Misbranding was alleged for the further reason that the following statements in the circular were false and misleading: "It is safe, * * * and does not contain any injurious drugs and does not create a * * * point of tolerance. * * * Our formula is not a secret; you know just what you are taking * * * here is a lax- tonic that is * * * harmless * * * and can be taken indefinitely with absolute safety. * * * Peppermint—noted for its potassium and manganese content."

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: "Herbs are included which have a tonic after effect that relieves the usual feeling of depletion following evacuation of the bowels from ordinary laxatives. This herb combination stimulates the action of the stomach, liver, kidneys and bowels. * * * It seems to relieve and correct faulty elimination, and many stubborn temporary cases of constipation yield to its application, quickly. It is not only a correcting element, but it acts as a general reconstructive tonic that brings back a normal appetite, helps digestion * * * That lazy, dragged-out tired, feeling disappears and gives way to a bodily energy that stimulates the whole system, hastens the return of stamina and that refreshed feeling that makes life worth living. * * * the herbs * * * act favorably on the blood, tone the nerves and help the liver and spleen to function normally. * * * If you are a chronic sufferer, or your condition has become acute, you need feel no hesitancy in trying this wonderful laxative, for we are sure a trial will convince you that at last here is a lax- tonic that * * * does improve your condition and can be taken indefinitely with great benefit * * * 'Elder Flowers—a Spring tonic and blood purifier, excellent for the kidneys, eases the piles or hemorrhoids.' * * * for bronchial troubles * * * and throat troubles and against skin eruptions.' 'Ononis Root—Acts as a tonic on the kidneys * * * 'Buchu Leaves— * * * acts as a tonic, increases circulation, useful in cystitis and other affections of the genitorinary mucous membrane.' * * * 'Guaiac Wood—Used as a blood purifier, chronic rheumatism and gout. Is excellent for diseases in the chest and is an alterative.' * * * the word Alterative means 'to induce a change; to restore healthy functions.' 'Shave Grass—Heals ulcers, strengthens the intestines, cleanses the blood.' 'Yarrow—A tonic and stimulant, has favorable action on the skin and purifies the blood, is excellent for the piles and for kidney disorders. * * * for the rheumatism. It quiets the nerves and is excellent for inflammations.' 'Althea Leaves—Acts as a tonic.' 'Buckthorn— * * * for strengthening the kidneys, stomach and intestines. * * * against bloody urine, stones in the kidneys and bloody flux.' 'Uva Ursi Leaves—Great value in diseases of the kidneys and bladder, strengthening and imparting tone to the urinary passages, used in inflammatory diseases of the urinary tract.' 'Dog Grass— * * * for diseases of the kidneys. * * * it openeth obstructions of the liver and gall, and the stoppings of urine, and easeth the griping pains of the stomach and inflammations; and the ulcers thereof.' It is said also to be deadly to worms in the intestines. * * * for obstructions of the liver and stones in the bladder and suppressed urine. It is also recommended for rheumatism.' * * * 'Nettle Leaves—Acts on kidneys and for eliminating poisons from the body. Acts as a tonic for the liver, is excellent for diseases of the chest, helps swellings, provokes urine and expels the gravel and stone. It kills worms and eases pains in the sides and excellent for ulcers.' 'Licorice Root * * * It is a great sweetener of the blood and is good for liver and cleansing the

bladder and an excellent pectoral (diseases of the chest). It is a corrector of cathartics * * * 'Peppermint— * * * a stimulant to relieve nausea, sour stomach, indigestion, * * * and pain in stomach and bowels. It relaxes, tones and strengthens the nervous system and is a natural sleep promoter. It strengthens the digestive tract because of its valuable mineral content. It has a strong action on the blood, liver, kidneys and bladder, * * * to aid digestion.' 'Sassafras Bark—Is used as a blood-purifier and for allaying inflammation of the mucous membrane lining of the kidneys.' 'Anise Seed— * * * It increases circulation. It liquefies bronchial secretions and is therefore a favorite in cough mixtures.' 'Fennel Seed—Acts as a tonic to the stomach, liver and spleen.' * * * In cases of * * * chills, etc., * * * For a tonic * * * Can be used with benefit in cases of * * * dizziness, liver and bowel disturbances, etc., when due to temporary constipation. * * * in Cases of Digestive Disturbances, * * * When Due to Temporary Constipation."

On August 17 and October 3, 1934, Adah Alberty, trading as Alberty's Food Laboratories, Hollywood, Calif., and Thomas Martindale & Co., of Philadelphia, Pa., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and the court ordered that the product be released to the claimants, upon the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

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

23017. Misbranding of Alberty's Organic Phosphate Pellets. U. S. v. 40 Dozen Packages and 90 Dozen Packages of Alberty's Organic Phosphate Pellets. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33109, 33272. Sample nos. 69243-A, 2607-B.)

These cases involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 dozen packages of Alberty's Organic Phosphate Pellets at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois against 90 dozen packages of the same product at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about September 26, 1933, by the Alberty Food Laboratories, and in part on or about February 17 and March 10, 1934, by U. S. Okey (a fictitious name used by the Alberty Food Laboratories) from Hollywood, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of calcium, iron, sodium, and potassium and phosphorus compounds incorporated in milk sugar.

The article was alleged to be misbranded in that the statements on the label, "An important essential in composition of nervous tissues", and "These may be taken indefinitely with benefit", were false and fraudulent.

On August 17 and October 3, 1934, Thomas Martindale & Co., Philadelphia, Pa., and Adah Alberty trading as Alberty Food Laboratories, Hollywood, Calif., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

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

23018. Misbranding of Alberty's Spleen and Iron Tablets and adulteration and misbranding of Alberty's Hemoglobin Tonic. U. S. v. 45 Dozen Packages of Alberty's Spleen and Iron Tablets, et al. Decrees of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. nos. 33110, 33112. Sample nos. 69244-A, 69246-A.)

Examination of the preparations involved in these cases showed that they differed from the composition claimed.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 dozen packages of Alberty's Spleen and Iron Tablets, and 7 dozen packages of Alberty's Hemoglobin Tonic at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce, in various lots between the dates of December 16, 1933,