

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,

and March 25, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Hollywood, Calif., and charging misbranding of the former, and adulteration and misbranding of the latter, in violation of the Food and Drugs Act.

Analyses showed that the Spleen and Iron Tablets consisted essentially of metallic iron, a fishy oil, compounds of calcium and phosphorus, protein substances and material of vegetable origin including berberine, and that the Hemoglobin Tonic consisted essentially of protein substances, material derived from plant drugs including nux vomica, and compounds of calcium and phosphorus.

The Hemoglobin Tonic was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely: (Wrapper) "Hemoglobin Tonic"; (carton) "This Tonic is Composed of Animal Extracts, Hemoglobin, Spleen substances, Pancreas and Spermin from the Interstitial Cells of Leydig and Neucleinic Acid from Wheat."

Misbranding of the Spleen and Iron Tablets was alleged for the reason that the designation of the article, "Spleen and Iron Tablets", and the statement on the carton, "Contains Actual Spleen Substance, Iron etc.", were false and misleading, in view of the actual composition of the article. Misbranding of the Hemoglobin Tonic was alleged for the reason that the statements (wrapper) "Hemoglobin Tonic", and (carton) "This Tonic is Composed of Animal Extracts, Hemoglobin, Spleen Substances, Pancreas and Spermin from the Interstitial Cells of Leydig and Neucleinic Acid from Wheat", were false and misleading, in view of the actual composition of the article.

On August 17, 1934, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered that the products be released to the claimant upon payment of costs and the execution of bonds totaling \$700, conditioned that they be relabeled under the supervision of this Department.

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

**23019. Adulteration and misbranding of Cheno Restorex Tablets. U. S. v. 30 Dozen Packages and 80 Dozen Packages of Cheno Restorex Tablets. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33111, 33171. Sample nos. 389-B, 5782-B.)**

These cases involved a product, the labeling of which bore unwarranted curative and therapeutic claims. The product was represented to contain in four tablets, a level teaspoonful of dehydrated vegetables, whereas it did not. One lot was labeled, "does not contain drugs", when as a matter of fact the product did contain drugs.

On July 24, and August 8, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 110 dozen packages of Cheno Restorex Tablets at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about July 14, 1934, by the Railway Terminal Warehouse Co. (invoiced by Alberty Laboratories) from Chicago, Ill., and in part on or about July 13, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Los Angeles, Calif., and charging misbranding of a portion and adulteration and misbranding of the remainder in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of powdered plant material including a laxative drug, together with calcium and phosphorus compounds, compressed in tablet form.

Adulteration of one of the lots was alleged in that its strength fell below the professed standard under which it was sold, namely, (page 13 of booklet entitled "Cheno Keep or Regain That Youthful Figure", a supply of which was shipped by the manufacturer to the consignee on March 10, 1934) "Four Cheno Restorex Tablets Contain a Level Teaspoonful of dehydrated vegetables."

Misbranding of one of the lots was alleged for the reason that a certain statement on the label was false and misleading, since it represented that the article did not contain drugs, whereas it did contain drugs. Misbranding of both lots was alleged for the reason that the term "Restorex", appearing on the label, was false and fraudulent, since the article was not a restorative in any sense, and in particular was not a restorative of the normal size and shape of the human body as the manufacturer interpreted the term in collateral advertising.