

System Tonic * * * Drives out Poison For Indigestion * * * For the Liver * * * For the Stomach"; (package carton) "For Bowels Blood * * * Stomach, Liver Headache, Dizziness, Bilioussness. Directions Dose—Adults (2) Tablets, followed by a glass of hot water."

On August 16, 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.*

23024. Misbranding of Red Monk Tonic and Almo Tonic. U. S. v. 587 Bottles of Red Monk Wine Bitters Tonic and 335 Bottles of Almo Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 33131, 33132. Sample nos. 6405-B, 6406-B.)

This case involved drug products which were labeled with unwarranted curative and therapeutic claims. It was claimed on the label of the Red Monk Tonic that it was absolutely harmless, whereas it contained ingredients that might be harmful.

On July 27, 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 587 bottles of Red Monk Tonic and 336 bottles of Almo Tonic at New York, N. Y., alleging that the articles had been shipped in interstate commerce, on or about May 19, 1934, by the Pennsylvania Wholesale Drug Co., from Wilkes Barre, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Red Monk Wine Bitters Tonic * * * Red Monk Medicinal Wine Co., Los Angeles, Calif."; "Almo Tonic * * * Hallstead Manufacturing Co., Hallstead, Penna."

Analysis showed that the Red Monk Tonic consisted essentially of caffeine (0.49 gram per 100 cc), a small proportion of a quinine compound, alcohol, glycerin, and water; and that the Almo Tonic consisted essentially of an extract of a laxative plant (0.1 percent), alcohol (28.6 percent by volume), and water.

The Red Monk Tonic was alleged to be misbranded in that the statement on the bottle label, "is absolutely harmless", was false and misleading. Misbranding of both products was alleged in that the following statements regarding their curative or therapeutic effects were false and fraudulent: (Red Monk Tonic, outer wrapper) "This Tonic * * * is truly a stimulative blood and nerve builder * * * relieving fatigue"; (neck label) "The Vigor of Youth"; (Almo Tonic, bottle) "Tonic * * * Aids Indigestion, Invigorates the Nervous System, Stimulates the Liver & Kidneys * * * Imparts New Vigor."

On August 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.*

23025. Misbranding of Chlorine Respirine. U. S. v. 156 Tubes of Chlorine Respirine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33137. Sample no. 6403-B.)

This case involved a product labeled to convey the impression that it contained chlorine in an appreciable amount. Analysis showed that it contained but a mere trace of chlorine. The labels also bore unwarranted curative and therapeutic claims.

On July 30, 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 156 tubes of Chlorine Respirine at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 17, 1934, by James Baily & Son, from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Chlorine Respirine * * * Chlorine Respirine Company, Chicago, Indianapolis."

Analysis showed that the article consisted essentially of a calcium compound, chlorides, and a trace of chlorine incorporated in petrolatum.

The article was alleged to be misbranded in that the word "Chlorine" in the trade name, and the statements (small carton) "Chlorine Respirine liberates pure Chlorine gas", (circular accompanying package) "Liberates free Chlorine * * * containing chlorine gas * * * The Chlorine Products Company has been testing various means of producing chlorine for this treatment in a convenient and safe form so that everybody may have this

treatment without going to hospitals or other expensive places where special equipment is used. We now offer to you Respirine in an ointment base which when applied as a cream to the entrance of each nostril will liberate the chlorine gas", and (tube) "Liberates Free Chlorine", were false and misleading, since the article contained but a mere trace of chlorine. Misbranding was alleged for the further reason that certain statements on the cartons, tubes, and in the circulars, regarding the curative or therapeutic effects of the article, falsely and fraudulently represented that it was effective as a chlorine treatment; and effective as a treatment for bronchitis, laryngitis, whooping cough, influenza, colds and their complications, coryza, pharyngitis, and all respiratory infections where the infective organism is on the surface of the mucous membrane; and effective in the prevention of surface respiratory infections.

On August 16, 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.*