

garding the therapeutic and curative effects of the article, borne on the cartons and bottle labels, falsely and fraudulently represented that it was effective as a reliable remedy for coughs, hoarseness, laryngeal and bronchial inflammation, loss of voice, rawness and soreness resulting from dryness of the throat or air passages; and effective as a treatment, remedy, and cure for bronchitis, hoarseness, loss of voice, and other inflamed conditions of the lungs and air passages.

On November 22, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$75 which was ordered remitted.

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

**24040. Misbranding of Old Country Dia-san. U. S. v. Alfred A. Hofmann (Original Old Country Remedy Co.). Plea of guilty. Fine, 5 cents. (F. & D. no. 31525. Sample no. 34207-A.)**

This case was based on an interstate shipment of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On May 11, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alfred A. Hofmann, trading as the Original Old Country Remedy Co., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 15, 1933, from the State of Indiana into the State of Missouri, of a quantity of Original Old Country Dia-san which was misbranded.

Analysis showed that the article consisted of a coarse mixture of plant material, including uva ursi leaves, licorice root, peppermint leaves, buchu leaves, horsetail stems, corn silk, and anise seed.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the cartons and in the circulars enclosed in the cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for inflammation of the kidneys, urinary tract, bladder, prostatitis, enuresis (bed wetting), Bright's disease, rheumatism, and metabolic diseases such as gout and diabetes; effective as a beneficial and health giving drink for all urinary disorders; effective as a healing remedy in ailments of the bladder, kidneys, and urinary tract, and diseases of metabolism such as diabetes and gout; effective to get sick people well and to restore health; effective as a remedy for enuresia (bed wetting), scalding urine, retention of urine and difficult urination in children; effective to alleviate and cure human ills, and to produce lasting beneficial results; effective as a remedy for kidney troubles and to help nature to exchange waste products and poisons from each cell and to carry them off through the kidneys and bring to the cells new, fresh blood, nourishment, and the mineral elements needed to maintain health; effective to fight the poisons or enemies of health; to build and protect health, to act as a cleanser to dissolve the poisons and to get under it and lift it off from the walls of the blood vessels and kidneys; as wonderfully effective in giving relief to all sufferers of kidney ailments, urinary tract and bladder troubles, Bright's disease, prostatitis, enuresis (bed wetting), metabolic diseases such as rheumatism, gout, diabetes, and dropsy; effective to act as a tonic and bath for each and every cell, and by flushing the kidneys to assist in elimination and to give relief in disorders such as diabetes, a disease of the pancreas, nephritis, an inflammation of the kidneys, cystitis, an inflammation of the bladder; urethritis, inflammation of the duct of the bladder; diabetes insipidus and diabetes mellitus; nephritis (Bright's disease); prostatitis, a swelling of the prostate gland; diseases of the urinary organs such as gravel, chronic cystitis, diseases of the prostate, leucorrhoea, and catarrh of the bladder, kidney irritation, sciatica, and pleurisy; effective to allay nausea and relieve spasmodic pains of the stomach and bowels; effective as a treatment for renal diseases, gonorrhoea, and dropsy of heart diseases, and to remove any foreign mucus that may be clogging and poisoning the digestive organs; effective to cure kidney complaints and to assist nature in its purifying process; effective as a boon to sufferers afflicted with ailments, and of great value to the human body; effective as an ideal preparation as a nature cure, and to assist nature to eliminate impurities from the system and relieve irritation and congestion; effective as helpful for liver trouble and to assist the glands and organs in their functions of purification and elimination; effective as a healthy drink conducive to natural living and well being; effective to reduce sugar content in urine; effective as a treatment for lumbago and of great value in

acute ailments, bronchial congestion and chills; and effective as a treatment, remedy, and cure for sugar diabetes, stomach trouble, and nervousness.

On December 26, 1934, the defendant entered a plea of guilty and the court imposed a fine of 5 cents.

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

**24041. Misbranding of Pankoka. U. S. v. Pankoka Health Foods, Inc., Victor deVilliers, Nicholas P. Williams, Panaytos D. Panoulis, and Dr. Demetrius Mitsakos. Plea of guilty. Fines, \$150. (F. & D. no. 31533. Sample nos. 28237-A, 28254-A.)**

This case was based on shipments of Pankoka, a product consisting essentially of chocolate, which was labeled with unwarranted curative and therapeutic claims. The label also represented that the article was a health food and complied with all pure food laws, which claims were false and misleading since it was not a health food and did not comply with the Federal Food and Drugs Act. The label failed to bear a statement of the quantity of the contents.

On September 5, 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 an information against the Pankoka Health Foods, Inc., a corporation, trading at New York, N. Y., and Victor deVilliers, Nicholas P. Williams, Panaytos D. Panoulis, and Dr. Demetrius Mitsakos, officers of the said corporation, alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about May 8 and May 15, 1933, from the State of New York into the State of Illinois of quantities of Pankoka which was misbranded.

Analysis by this Department showed that the article was chocolate, sweetened and flavored.

The article was alleged to be misbranded under the provisions of the law applicable to drugs in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the boxes containing the article and in a circular and booklet enclosed therein, falsely and fraudulently represented that it was effective to insure health, to fortify and protect health, and to resist disease; effective as a health food; effective to throw off disease germs and bacteria in the early stages; effective to restore and constantly rebuild abused, broken down, and worn organs of the civilized human body; effective to build better and stronger bodies; effective to feed the vital cells, to soothe and strengthen the stomach and throughout the alimentary canal; effective to enrich the blood and strengthen and create a healthy condition of the heart, nerves and brain, to cause the entire system to become healthy and strong, the body vigorous, to calm the nerves and to make a great resistance to disease, to keep the person well, healthy, happy and normal; effective to relieve countless ailments, permanently and lastingly; effective as a relief for common and serious ailments such as nervous, run down, worn out, and exhausted cases, young or old, underweight, general debility, weakness, paleness (lack of blood), sickly, undernourished and underweight children, catarrh, influenza, grippe, indigestion, dyspepsia, digestive disturbances, constipation, chronic constipation, stomach trouble, intestinal disturbances, gastric complaints, lung infections, lumbago, rheumatism, neuritis, diabetes, acidosis, glycosuria, lost health, shattered nerves, impaired vitality, tuberculosis, chronic stomach troubles, hemorrhages, kidney complaint, kidney stones, stomach pains, throat trouble, gastric ulcers, nervousness, and bronchial and lung infections; effective to renew strength, endurance, and vigor and to fortify pregnant and nursing mothers with vital body elements; effective as a life saver; effective to rebuild and restore energy; and effective as the way to glorious health; to keep healthy folk well, and to give strength and build tissue in ailing people, to energize and to assist in restoring health to undernourished sickly men, women and children; and as a great aid in overcoming chronic constipation, and to stimulate the flow of gastric juices.

The article was also alleged to be misbranded under the provisions of the law applicable to food in that the statements, "Pankoka complies with all requirements of Pure Food Laws", "Health Food", "Health Foods" "Richest of Vitamins and food values", appearing in the labeling, were false and misleading in that they represented that the article was a health food and conformed to all requirements of the Food and Drugs Act of June 30, 1906; whereas