

be depleted. This constant strain steadily makes its inroads upon the health and strength and often leads to complete physical exhaustion and nervous collapse. \* \* \* While surprising results are often obtained from a short course of Mastin's Vitamon, its action is not that of a temporary stimulant, but a nutritive, health-building tonic of unusual value. Therefore to derive the most beneficial effects for thinness or in weakened, run-down conditions [similar statements in foreign languages]."

On February 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24119. Misbranding of Amita. U. S. v. 70 Retail Boxes of Amita. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33293. Sample no. 10461-B.)**

This case involved an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and because it was represented to be harmless, analysis having shown that it contained no ingredients capable of producing the curative effects claimed, and that it did contain ingredients that might be harmful, especially if taken according to directions.

On or about August 28, 1934, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 retail boxes of Amita at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about March 14, 1934, by the Amita Laboratories, from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing 2.6 grains of amidopyrine each.

The article was alleged to be misbranded in that the statement in the circular accompanying the article, "Harmless", was false and misleading, particularly so in view of the directions on the metal container, "Take two tablets \* \* \* and then one tablet every hour for three hours." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Circular) "\* \* \* for quick, safe relief of Dysmenorrhea (Painful Menstruation) because it is non-habit forming, harmless and efficient. Amita works swiftly and surely in the alleviation of the pains and depression usually accompanying menstruation. At the first sign of discomfort, use Amita— \* \* \* You will quickly sense the soothing effects of this treatment. Should your condition fail to respond consult your physician immediately"; (metal container) "At the first sign of discomfort \* \* \*."

On December 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24120. Alleged conspiracy to violate the Food and Drugs Act. U. S. v. Sidney Cohen, Edward Gordon, Benjamin Gordon, Keene Chemical Co., and Harold Surgical Corporation. Tried to the court. Indictment dismissed. (Consp. no. 101.)**

This case was based on an alleged conspiracy to violate the Federal Food and Drugs Act in connection with various transactions in adulterated and misbranded ether.

On July 12, 1932, the grand jurors of the United States presented in the district court for the District of New Jersey, an indictment against Sidney Cohen, Edward Gordon, Benjamin Gordon, individuals, and the Keene Chemical Co., and Harold Surgical Corporation, corporations organized under the laws of the State of New York. The indictment alleged that during March 1926, defendant Sidney Cohen placed in storage at Bayway, N. J., a large quantity of ether labeled in part, "Ether \* \* \* For Anaesthesia", which had been purchased by the said Sidney Cohen under the name of the Pacific Chemical Co., from the United States Government, and which consisted of surplus Army stock, which had been sold to said Sidney Cohen under the understanding and agreement that it would not be used or sold for other than technical purposes, and particularly not to be used, sold, or offered for sale for the purpose of anaesthesia; that the said ether was adulterated within the meaning of the Food and Drugs Act in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and