

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

purity as determined by the tests laid down in the said pharmacopoeia and its own standard was not stated on the labels; and was misbranded in that the statements on the containers, "The best that can be made for anaesthesia. \* \* \* It is superior in vital respects to the ether of the U. S. P.", were false and misleading.

The indictment further alleged that during the period between March 1, 1926, and October 1, 1931, and continuously during that period the defendants, together with others unknown to the grand jurors, knowingly, willfully, unlawfully, and feloniously conspired, combined, confederated, and agreed together to commit an offense against the United States, i. e., to ship in interstate commerce certain cases of the said ether, adulterated and misbranded in violation of the Food and Drugs Act; that in pursuance of the alleged conspiracy the defendants, by advertisement and other means offered the said ether to dealers in drug and surgical supplies, hospitals, and the medical and surgical profession generally, as ether of the United States Pharmacopoeia standard, which could be safely used for the purpose of anaesthesia, knowing that it was of inferior quality and would be used for the purpose of anaesthesia; and that in pursuance of and to effect the objects of the conspiracy the defendants shipped in interstate commerce, between the dates of July 6, 1929, and September 6, 1929, various quantities of the said ether from the State of New Jersey into the States of Georgia, Minnesota, and Pennsylvania, and committed other overt acts.

On June 13, 1934, the defendants having entered pleas of not guilty, the case came on for trial before the court. Evidence for the Government was introduced, at the conclusion of which counsel for the defense moved to dismiss the indictment as to all defendants. On June 21, 1934, the motion having been argued by counsel for the Government and the defense, the indictment was ordered dismissed as to all defendants, no opinion being rendered by the court.

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

**24121. Conspiracy to violate the Food and Drugs Act. U. S. v. Leo B. Dreyfoos (alias Leo B. Dreyfus), Massey C. Griffin, The Mobile Drug Co., et al. Pleas of guilty. Fines, \$2,125. (Consp. no. 104.)**

Indictment was based on a conspiracy to violate the laws of the United States, in the shipment in interstate commerce, receipt of such shipments, and other transactions, involving fluidextract of ginger which was adulterated and misbranded in violation of the Food and Drugs Act.

On September 24, 1930, the grand jurors of the United States returned in the district court for the Southern District of Alabama, an indictment against Leo B. Dreyfoos, alias Leo B. Dreyfus, Massey C. Griffin, the Mobile Drug Co., and others, charging that during the period between November 1, 1929, and July 31, 1930, the said defendants unlawfully, knowingly, willfully, and feloniously conspired, combined, confederated, and agreed together to commit certain offenses against the laws of the United States, the exact date of the beginning of the conspiracy being unknown, but that all had entered therein on November 11, 1929, said offenses consisting in unlawfully shipping from Cincinnati, Ohio, to Mobile, Ala., and receiving at Mobile, Ala., and delivering in the original packages, certain quantities of an adulterated and misbranded drug labeled, "Q. C. Brand Fluid Extract of Ginger, U. S. P., Alcohol by Vol. 83%, Contents 2 Ozs. net. For Cramps, Diarrhoea, Flatulent Colic and externally for Toothache."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia. It was also alleged to be misbranded in that the label bore statements which were false and misleading; in that it was an imitation of and was offered for sale under the name of another article, fluidextract of ginger as recognized in the pharmacopoeia; and in that the labels bore statements regarding its curative and therapeutic effects which were false and fraudulent.

The indictment further charged that certain of the defendants during the existence of the said conspiracy and to effect the objects thereof, committed the following overt acts: On November 15, 1929, the officers and directors of the Mobile Drug Co., received in the name of the said company, and had in their possession, 288 bottles of a liquid purporting to be fluidextract of ginger, received by freight from the Queen City Distributing Co., Cincinnati, Ohio;