the labeling. The product was further misbranded since it contained less caffeine than declared; it contained acetanilid in excess of the amount declared, and it was not a safe remedy as claimed, since it contained excessive acetanilid which might be harmful.

On May 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert H. Clark, trading as the Clark Medicine Co., Newburyport, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 15, 1934, from the State of Massachusetts into the State of New Hampshire, of a quantity of Dr. Fellows' Headache Powders which were misbranded. The article was labeled in part: "Each Powder contains two grains Acetanilide."

Analysis showed that the article consisted essentially of acetanilid (not less than 40.3 percent or 2.8 grains per powder of average weight), caffeine (not over 8.86 percent or 0.62 grain per powder of average weight) sodium bicarbonate, and ground plant material including ginger.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on the labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a remedy for sick or nervous headache, and cough; effective as a treatment, remedy, and cure for rheumatism and la grippe; and effective to act freely on the kidneys and as a powerful heart tonic and stimulant; effective to strengthen and sustain the heart; effective to give immediate relief in sick or nervous headache, monthly pains, rheumatism and la grippe; and effective as a relief of pain. Misbranding was alleged for the further reason that the statements, (circular) "Each powder contains ¾ grain * * * caffeine" and "We guarantee them to be absolutely safe for any one to take under any circumstances" (envelop) "A * * * Safe Remedy * * * These powders * * * are warranted safe for any one to take as directed * * * Each powder contains two grains Acetanilide, U. S. P., which combined with other ingredients makes it a safe * * * remedy", were false and misleading in that the said statements represented that the powders each contained ¾ grain of caffeine and 2 grains of acetanilid; that it was a safe remedy and was absolutely safe for anyone to take under any circumstances; whereas each powder contained less than ¾ grain of caffeine and contained more than 2 grains of acetanilid, the article was not a safe remedy, was not safe to be used as directed, and was not absolutely safe for anyone to take under any circumstances, since it contained an excessive amount of acetanilid which rendered it unsafe as a remedy, unsafe to be used as directed, and not safe for any one to take under any circumstances.

On June 10, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of $10.

W. R. GREGG, *Acting Secretary of Agriculture.*

24658. Misbranding of Holbrook's India Koff Kure, and adulteration and misbranding of Holbrook's Concentrated Extract Vanilla Flavor. U. S. v. Folsom Extract Co., Inc. Plea of nolo contendere. Fine, $10. (F. & D. no. 33981. Sample nos. 68319–A, 68324–A.)

This information covered a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and because of failure to declare the alcohol and chloroform content; also a lot of vanilla flavor which was adulterated and misbranded, since it consisted of a hydroalcoholic solution of vanillin, artificially colored, containing little, if any, vanilla, and was labeled to indicate that it was high-grade vanilla extract flavor.

On June 18, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Folsom Extract Co., Inc., Lynn, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 5, 1934, from the State of Massachusetts into the State of New Hampshire of a quantity of Holbrook's India Koff Kure which was misbranded, and alleging shipment on or about February 1, 1934, from the State of Massachusetts into the State of New Hampshire of a quantity of Holbrook's Concentrated Extract Vanilla Flavor which was adulterated and misbranded. The articles were labeled in part: "Prepared by Holbrook & Co. Manufacturing Chemists Lynn, Mass."

Analysis of the Koff Kure showed that it was a syrup containing plant extractives, alcohol (10.4 percent by volume), and chloroform (1.08 minims per fluid ounce).

The vanilla flavor was alleged to be adulterated in that an artificially colored imitation vanilla extract, largely composed of artificial vanillin solution, had been substituted for vanilla flavor which the article purported to be.

Misbranding of the vanilla flavor was alleged for the reason that the statements, (carton) "Vanilla Flavor * * * The Vanilla is an especially fine extract made from the vanilla bean. Guaranteed to give perfect satisfaction", and (bottle) "Vanilla Flavor * * * Perfect Purity, Great Strength, * * * A High-Grade Extract, One of Quality. Holbrook's Concentrated Vanilla Flavor is a Pure Fruit Vanillin Extract made stronger and improved by the addition of a high-grade Mexican Vanilla Bean, which makes it the strongest extract of any on the market that have the real and delicate flavor of the Vanilla Bean", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that it was a high-grade extract of perfect purity, great strength, and concentrated vanilla flavor; whereas it was not as represented, but was an artificially colored imitation vanilla extract, largely composed of artificial vanillin solution. Misbranding of the vanilla flavor was alleged for the further reason that it was an artificially colored vanillin solution, prepared in imitation of vanilla extract and was offered for sale and sold under the distinctive name of another article, namely, vanilla flavor.

Misbranding of the Koff Kure was alleged for the reason that certain statements regarding its therapeutic and curative effects, appearing on the bottle labels and cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, hoarseness, croup, consumption, whooping cough, sore throat, asthma, bronchitis, and all diseases of the throat and lungs; and effective to have a healing effect on the lungs. Misbranding of the Koff Kure was alleged for the further reason that the article contained chloroform and alcohol, and the package label failed to bear a statement of the quantity or proportion of the chloroform and alcohol contained therein.

On July 15, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $10.

W. R. GREGG, *Acting Secretary of Agriculture.*

24659. Adulteration and misbranding of Femasept. U. S. v. 33 Packages of Femasept. Default decree of condemnation and destruction. (F. & D. no. 34439. Sample no. 6231–B.)

This case was based on an interstate shipment of a drug preparation which was adulterated and misbranded because it contained a smaller proportion of sodium dichlorylsulfamid benzoate than declared, and was further misbranded because of unwarranted claims of alleged curative, bactericidal, and germicidal properties appearing in the labeling.

On December 19, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 packages of Femasept at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about November 10, 1933, by the Chemical Laboratories, Inc., from Atlanta, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of starch and lactose with small amounts of Rochelle salt, talc, and sodium chloride, and that it contained not more than a trace of sodium dichlorylsulfamid benzoate. Bacteriological examination showed that it was devoid of antiseptic properties.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Contains 1% Sodiumdichlorylsulfamidbenzoate, * * * powerful effect upon bacteria * * * Powerful germ destroying agents."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Label) "Each tablet contains 1% Sodiumdichlorylsulfamidbenzoate"; (small leaflet) "Liberating oxygen which instantly penetrates all the folds and crevices of the mucous membrane. * * * powerful effect upon bacteria. * * * Each tablet contains 1% Sodiumdichlorylsulfamidbenzoate"; (large leaflet) "Releasing an oxygen-gas, one of the most powerful germ destroying agents." Misbranding was alleged for the further reason that the following statements contained in the leaflets