

The article was alleged to be misbranded in that the carton and bottle label bore, and circulars enclosed in the package contained, false and fraudulent statements that the article was effective as a tonic and system regulator, as an aid to digestion and assimilation, as a stimulant to the liver and kidneys in throwing off poisonous waste matter, as a stimulant to the intestinal tract, as a tonic for expectant mothers; and effective as a curative and therapeutic agent in the treatment of improper digestion, sour or gaseous conditions of the stomach, disturbances of the heart caused by such conditions, bilious attacks, sick spells, sleeplessness, rheumatism, rheumatic pains, grip, colds, sick headache, poor appetite, indigestion, sour stomach, and uneasy feeling after meals. The article was alleged to be further misbranded in that the statement on the carton, to wit, "Made largely from Herbs, such as Buchu, Dandelion, Prickly Ash, Sarsaparilla, Stillingia, Yellow Dock, and a number of other Ingredients of Therapeutic value", was false and misleading in that the product consisted largely of Epsom salt.

On January 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

**25844. Misbranding of Alkavis. U. S. v. 9 Bottles of Alkavis. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 36721. Sample no. 41817-B.)

False and fraudulent curative and therapeutic claims were made for this article.

On December 11, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of Alkavis at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 4, 1934, by the Williams Manufacturing Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drug Act as amended.

Analysis showed that the article consisted essentially of potassium nitrate, salicylic acid (0.22 gram per 100 milliliters), extract of a plant drug, glycerin, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Bottle and carton) "For Kidneys Liver & Urinary Organs—and-Blood Impurities Due to Defective Action of the Kidneys—and-Rheumatism"; (carton only) "For Rheumatism \* \* \* For The Kidneys, Liver and Urinary Organs."

On January 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

**25845. Adulteration and misbranding of Alcolthol-Rub. U. S. v. 3 Gross Bottles of Alcolthol-Rub, and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case.** (F. & D. nos. 36792, 36923. Sample nos. 44035-B, 50470-B.)

The label of this article misrepresented its composition, bore an erroneous statement concerning the opinion thereon of the medical profession, and was without a statement of the quantity of alcohol in the article. With respect to one of the shipments referred to here, the article was sold under a professed standard to which it did not conform.

On December 14, 1935, the United States attorney for the District of Massachusetts, and on January 9, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts a libel praying seizure and condemnation of three gross bottles of Alcolthol-Rub at Boston, Mass., and 113 bottles thereof at Newark, N. J., alleging in the case in the District of Massachusetts that the article had been shipped in interstate commerce on or about November 27, 1935, by Fallis, Inc., from New York, N. Y., into the State of Massachusetts, and in the case in the District of New Jersey, that the article had been shipped on or about October 19, 1935, by Fallis, Inc., from New York, N. Y., into the State of New Jersey, and charging adulteration and misbranding, in the case in the District of Massachusetts; and misbranding only in the case in the District of New Jersey, in violation of the Food and Drugs Act. The article in each shipment was labeled in part: (Bottle) "Alcolthol-Rub \* \* \* Endorsed by the Medical Profession The Perfect Rubbing Compound." The

article shipped into the State of Massachusetts, was additionally labeled in part: (Shipping carton) "Rubbing Alcohol Compound Alcohol -70%."

Analyses showed that the article shipped into the State of Massachusetts consisted essentially of alcohol (2 percent), small proportions of glycerin, formaldehyde, and perfume, and water; and that the article shipped into the State of New Jersey consisted essentially of isopropyl alcohol (2.1 percent) and water.

Adulteration of the article, in the case in the District of Massachusetts, was charged under the allegation that its strength fell below the professed standard under which it was sold, namely, "Rubbing Alcohol Compound —70%—."

Misbranding was charged in the case in the District of Massachusetts (a) under the allegation that the bottle label bore the statement, "Alcohol-Rub \* \* \* Endorsed by the Medical Profession", and that the said statement was false and misleading in that the article contained an insignificant proportion of alcohol and in that the medical profession, as a whole, had not endorsed the article; (b) under the allegation that a shipping carton bore the statement, "Rubbing Alcohol Compound Alcohol —70%—", and that the statement was false and misleading; and (c) under the allegation that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

Misbranding of the article in the case in the District of New Jersey was charged in that the bottle label bore the statement, "Alcohol-Rub \* \* \* Endorsed by the Medical Profession", and that the said statement was false and misleading in that it created the impression that the article consisted essentially of alcohol; when, in fact, it consisted largely of water with a small proportion of isopropyl alcohol, and in that the medical profession, as a whole, had not endorsed the article. Misbranding of the article in that case was further charged in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 7 and March 16, 1936, no claimant having appeared in either case, default decrees of condemnation, forfeiture, and destruction were entered.

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

**25846. Adulteration and misbranding of Papine. U. S. v. 71 Bottles of Papine, and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36705, 36922. Sample nos. 41776-B, 52308-B.)**

This article failed to conform to its professed standard and its label bore erroneous statements concerning the quantities of its ingredients.

On December 6, 1935, the United States attorney for the Northern District of Alabama, and on January 9, 1936, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in their respective district courts a libel praying seizure and condemnation of 47 bottles of Papine at Birmingham, Ala., and 71 bottles thereof at New Orleans, La., respectively, alleging in the case in the Northern District of Alabama, that the article had been shipped in interstate commerce on or about November 7, 1935, by Battle & Co., from St. Louis, Mo., to Birmingham, Ala., and in the case in the Eastern District of Louisiana, that the article had been shipped on or about December 12, 1935, also by Battle & Co., from St. Louis, Mo., to New Orleans, La., and charging, in each case, adulteration and misbranding in violation of the Food and Drugs Act. The article in each case was labeled in part: (Bottle) "Morphine, 1 Grain Per Ounce, Chloral Hydrate, 2 1-10 Gr. Per Oz."

Analysis showed (with respect to the shipment into Alabama) that the article contained 0.8 grain of morphine and 3.4 grains of chloral hydrate per fluid ounce; and (with respect to the shipment into Louisiana) that the article contained 0.77 grain of morphine and 3.13 grains of chloral hydrate per fluid ounce.

Adulteration of the article in each case was charged, under the allegation that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Morphine, 1 Grain Per Ounce, Chloral Hydrate, 2 1-10 Gr. Per Oz."

Misbranding in each case was charged under the allegation that the label of the article bore the statement, "Morphine, 1 Grain Per Ounce, Chloral Hydrate, 2 1-10 Gr. Per Oz.", and that said statement was false and misleading.

On January 16 and February 4, 1936, no claimant having appeared in either case, default decrees of condemnation, forfeiture, and destruction were entered.

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