

time of investigation, since it contained in each 1,000 cubic centimeters not more than 1.17 grams of codeine (equivalent to 0.54 grains per fluid ounce), whereas the formulary provides that elixir of terpin hydrate and codeine shall contain in each 1,000 cubic centimeters not less than 2 grams of codeine, and its own standard of strength, quality, and purity was not declared on the container; and in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be elixir of terpin hydrate and codeine which conformed to the standard laid down in the National Formulary, and each fluid ounce of the article was represented to contain 0.906 grain of codeine, whereas it was not elixir terpin hydrate and codeine which conformed to the standard laid down in the formulary, and it contained in each fluid ounce less than 0.906 grain, namely, not more than 0.54 grain of codeine.

The article was alleged to be misbranded in that the statement, "Elixir Terpin Hydrate and Codeine \* \* \* N. F. \* \* \* Each Fluidounce Represents, Codeine 0.906 Gr.", borne on the bottle label, was false and misleading.

On May 20, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

**27267. Misbranding of Dr. Corley's Daily Health Broth, Dr. Corley's Cor-Lax, and Dr. Corley's Tooth Powder. U. S. v. Buren L. Corley (Dr. Corley's Products). Plea of guilty. Fine, \$270. (F. & D. no. 38048. Sample nos. 65262-B, 65263-B, 65264-B, 67028-B, 67029-B.)**

The labeling of these products contained false and fraudulent curative and therapeutic claims. The labeling of the Health Broth also contained false and misleading representations regarding its alkalinizing, neutralizing, and nutritional properties; and that of Cor-Lax contained a false and misleading representation that it was not a drug.

On March 9, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Buren L. Corley, trading as Dr. Corley's Products, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 13, 1936, from the State of California into the State of Washington of a shipment of each of the above-named products, and on or about January 25 and February 26, 1936, from the State of California into the State of Oregon of a quantity of the so-called "Health Broth" and a quantity of the Cor-Lax, all of which were misbranded. The articles were labeled in part: "Dr. Corley's Daily Health Broth [or "Dr. Corley's Cor-Lax"] Dr. Corley's Products—San Francisco"; "Dr. Corley's So Kleen Tooth Powder."

Analyses of samples of the articles showed that Cor-Lax consisted essentially of plant material including senna leaves, peppermint leaves, cascara bark, and fennel seed; that the tooth powder consisted essentially of calcium carbonate (81 percent), soap (11.2 percent), and sodium bicarbonate flavored with oil of wintergreen; and that the Health Broth consisted essentially of plant material including alfalfa leaf and stem, okra, tomato, capsicum, celery seed, onion, potato starch, starchy material (apparently from cereal), plant tissue resembling Irish moss, and small proportions of stem, leaf, and root tissues lacking in diagnostic tissue elements.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing on the labels and in accompanying circulars, were false and fraudulent in the following respects:

The Health Broth was falsely and fraudulently represented to be effective as a health broth, and as an excellent treatment for any sick person; effective as a treatment, remedy, and cure for mineral and vitamin deficiency diseases such as stomach trouble, gas, ulcers, all digestive upsets, skin ailments, nervousness, tiredness, run-down conditions, depleted blood condition, fatigue, all forms of rheumatism, anemia, red nose, excess acid, indigestion, acid stomach, skin conditions, and sleeplessness; effective when used in connection with Dr. Corley's Cor-Lax, as a treatment, remedy, and cure for acidosis, cancer, gastritis (inflammation of the stomach), dyspepsia, fermentation, superacidity, acid stomach, asthma, auto-intoxication, biliousness, bronchitis, catarrhal troubles, gas, indigestion, high blood pressure, hay fever, liver and gall-bladder trouble, low blood pressure, rheumatism, skin eruptions, sinus trouble, tired, worn-out feeling, blotches, acne, poor appetite, nervous indigestion, rash, nervous

breakdown, stomach ulcers, colitis, hives, jaundice, liver trouble, pimples, sick headaches, tonsillitis, arthritis, diabetes, Bright's disease, sallow complexion, halitosis, stubborn constipation, weakened, exhausted, prolapsed (sagging), and dilated intestines, toxemia, heart trouble, influenza, pneumonia, tuberculosis, systemic acidity, acid indigestion, excess acid of the blood stream, liver congestion, bloating, sore stomach, inflamed digestive tract, rheumatic ailments such as arthritis, neuritis, lumbago, and muscular rheumatism, acid pains and aches, torpid liver, sluggish liver, gallstones, kidney stones, cirrhosis, over-worked, acute, congested liver conditions such as biliousness, gall-bladder attacks, jaundice, sick headaches, nausea and vomiting, squeezing headaches, canker sores, dizzy spells, hysteria, palpitation of the heart, underweight, anemia, loss of appetite, pains in back, aching legs, pains in the small of the back, pains in the abdomen, restlessness at night, gassy stomach, gout, gastric ulcer, chronic disease, and stubborn disease; effective to induce sound and peaceful sleep, and to be beneficial in replenishing and furnishing the minerals and vitamins for the average person whose blood stream is deficient in the necessary or essential elements; and effective when used in connection with Dr. Corley's Cor-Lax, as a preventive of cancer, to produce energy and pep, to make the skin clear and smooth, to regulate the intestines and to rebuild their tone and health, to cleanse, rebalance, purify and rebuild the system, thereby preventing incurable disease; to cleanse and purify the liver, to correct digestive disturbances, flush and cleanse the gall bladder, and to clear away the toxic materials.

The Cor-Lax was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for different ailments; effective as a relief for over-acid system, upset stomach, gas and bloating, aching muscles, sore nerves and joints, congested liver, cancer, tuberculosis, diabetes, kidney, and heart trouble; effective as a treatment, remedy, and cure for gas pains, acid stomach, bloated stomach and intestines, pains and aches, chronic diarrhea, nervousness, insomnia, boils, skin eruptions, kidney and catarrhal disorders, back pains, leg and body tiredness, headaches, dizzy spells, liver ailments, blood pressure, blood vessel conditions, rheumatism, bad breath, pneumonia, biliousness, sick headaches, loss of appetite, system poisoning, high blood pressure, and low blood pressure; effective to produce pep, a good complexion, soft skin, firm nails, lustrous hair, and a sparkle in the eyes; effective to sweep and clear away those acid poisons which cause so much suffering and sickness; effective as a liver cleanser and as a relief to those who suffer from constipation and subsequent ailments; effective to empty the mucus, acids, and poisons from the blood stream, to sweep acids from the system, to purify the liver and to help neutralize gas and cleanse the intestines, to sweep the acid, toxic poisonous substances out of the system, stomach, and intestinal tract, and to prevent high blood pressure and a stroke; effective when used in connection with Dr. Corley's Health Broth, as a treatment, remedy, and cure for acidosis, cancer, gastritis (inflammation of the stomach), dyspepsia, fermentation, superacidity, asthma, auto-intoxication, bronchitis, catarrhal trouble, gas, indigestion, hay fever, liver and gall-bladder trouble, sinus trouble, tired, worn-out feeling, blotches, acne, poor appetite, nervous indigestion, rash, nervous breakdown, stomach ulcers, colitis, hives, jaundice, liver trouble, pimples, tonsillitis, arthritis, diabetes, Bright's disease, sallow complexion, halitosis, stubborn constipation, weakened, exhausted, prolapsed (sagging) and dilated intestines, toxemia, heart trouble, influenza, tuberculosis, systemic acidity, acid indigestion, excess acid of the blood stream, liver congestion, bloating, sore stomach, inflamed digestive tract, rheumatic ailments such as arthritis, neuritis, lumbago, and muscular rheumatism, acid pains and aches, torpid liver, sluggish liver, gallstones, kidney stones, cirrhosis, over-worked, acute, congested liver conditions such as biliousness, gall-bladder attacks, jaundice, sick headaches, nausea and vomiting, squeezing headaches, canker sores, hysteria, palpitation of the heart, underweight, anemia, aching legs, pains in the small of the back, pains in the abdomen, restlessness at night, gassy stomach, gout, gastric ulcer, chronic disease, and stubborn disease; and effective when used in connection with Dr. Corley's Daily Health Broth, as a preventive of cancer, to produce energy and pep, to make the skin clear and smooth, to regulate the intestines and to rebuild their tone and health, to cleanse, rebalance, purify, and rebuild the system, thereby preventing incurable disease, to cleanse and purify the liver, to correct digestive disturbances, to flush and cleanse the gall bladder, and to clear away the toxic materials. The Cor-Lax was alleged to be misbranded further in that the statement "is not a

Drug", contained in a circular shipped with it, was false and misleading since it was a drug.

The tooth powder was falsely and fraudulently represented to be effective to preserve the gums.

The Health Broth was alleged to be misbranded further in that the statement on the label, "One level teaspoonful to each cup or bowl of any soup makes it 9 times more alkalizing, neutralizing and nutritious than ordinary soup", was false and misleading since 1 teaspoonful of the article added to each cup or bowl of soup would not make it nine times more alkalizing, neutralizing, or nutritious than ordinary soup.

On May 24, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$270.

H. A. WALLACE, *Secretary of Agriculture.*

**27268. Adulteration and misbranding of ampuls of Thelestrin Ovarian Follicular Hormone. U. S. v. 2 Packages, 2 Packages, and 8 Packages, each containing six 1-cc Ampuls of Thelestrin Ovarian Follicular Hormone. Default decrees of forfeiture and destruction. (F. & D. nos. 38297, 38298. Sample nos. 7002-C, 7003-C.)**

This product contained less than 75 international units of ovarian follicular hormone per cubic centimeter, which was less than 18 percent of the potency declared on the label.

On September 14 and September 21, 1936, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 packages, each containing six 1-cubic centimeter ampuls, of Thelestrin Ovarian Follicular Hormone at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 11, 1935, and January 14 and June 15, 1936, by the G. W. Carnrick Co., from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Thelestrin Ovarian Follicular Hormone, One C. C. size, each C. C. contains 400 international units", since each cubic centimeter of the article did not contain 400 international units, but did contain less than 75 international units of ovarian follicular hormone per cubic centimeter, which was less than 18 percent of the potency designated on the label.

The article was alleged to be misbranded in that the statement, "Thelestrin Ovarian Follicular Hormone \* \* \* 1 c. c. size, each c. c. contains 400 international units", was false and misleading.

On May 17, 1937, the G. W. Carnrick Co., claimant, having failed to file an answer to the libel, default decrees of forfeiture and destruction were entered.

H. A. WALLACE, *Secretary of Agriculture.*

**27269. Adulteration and misbranding of Digitex. U. S. v. The Drug Products Co., Inc. Plea of guilty. Fine, \$300. (F. & D. no. 38611. Sample no. 8488-C.)**

This drug had a potency of not more than two-thirds of that declared on the label.

On February 5, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Drug Products Co., Inc., Long Island City, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about July 3, 1936, from the State of New York into the State of New Jersey of a quantity of Digitex that was adulterated and misbranded. The article was labeled in part: "Digitex \* \* \* A Stable, Buffered, Alcohol 78%, Glycerin Extract of Defatted Whole Leaf Digitalis of U. S. P. XI Strength of Tincture. Biologically Tested and Standardized by U. S. P. XI \* \* \* The Drug Products Co. Long Island City, New York."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to have the strength of tincture of digitalis prescribed in the eleventh edition of the United States Pharmacopoeia and was represented to be biologically standardized by the methods for testing prescribed by said pharmacopoeia; whereas it did not have more than two-thirds of the strength of tincture of digitalis as determined by the methods for testing tincture of digitalis prescribed by the pharmacopoeia.