

develop normally the bones and teeth and to promote general good health; to avert poor bone development, muscular weakness, decayed, crowded, and uneven teeth and difficulty in childbirth; to revitalize cell life; to increase strength and pulsation of the heart; to correct defects in blood coagulation; to reinforce body resistance in fever and disease; to reduce nervousness; to tone the nerves, to prevent oxalic acid poisoning, to promote concentration of thought, to give will power, to eliminate magnesium deposits and tooth decay, to combat actively the toxic effect of colon types such as *Bacillus enteritidis*, to change the intestinal flora, to change the intestinal bacteria from acid to alkaline, to eliminate scurvy; to cure "celiac (carbohydrate disturbance) and Sprue diseases," and to definitely control calcium and phosphorus utilization.

On October 29, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28311. Adulteration and misbranding of Healo Salve and Lucky Heart Kiss Sweet Tooth Paste; and misbranding of Tiger Head Antiseptic Nerve and Bone Liniment, Kandu Vegetable Compound Female Regulator and Builder, Erbru Health Herbs and Iron, Lucky Heart Wonder Skin Ointment, Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy, Vapo Nose and Throat Drops, Vapo Overnight Salve, Glandeen, San-I-Gené Douche Powder, Bewino Beef Wine and Iron Tonic and Builder. U. S. v. Lucky Heart Laboratories, Inc., Morris Shapiro, and Ben M. Spears. Pleas of guilty. Total fines and costs, \$600. (F. & D. No. 39816. Sample Nos. 18694-C, 35378-C to 35385-C, incl., 35404-C to 35407-C, incl., 35455-C, 35457-C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects. Certain of the products were represented to be natural remedies derived from roots, herbs, and similar substances; whereas they contained other ingredients not derived from such sources; other products were falsely represented to be antiseptic or germicidal; one bore on the label false statements as to the content of alcohol and chloroform, one failed to declare on the label the alcohol present in the article and one (Skin Ointment) contained red mercuric oxide, which rendered it potentially harmful to a delicate skin.

On March 9, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lucky Heart Laboratories, Inc., and Morris Shapiro and Ben M. Spears, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 8, April 30, May 3, and July 12 and 28, 1937, from the State of Tennessee into the States of Missouri and Arkansas of quantities of the above-named drugs which were misbranded and certain of which were also adulterated. Portions of the articles were labeled: "Erbru Roots and Herbs Medicine Co. Memphis, Tenn." The remainder were labeled: "Lucky Heart Co. Memphis, Tenn."

Analyses showed the following: The Tiger Head Antiseptic Nerve and Bone Liniment consisted essentially of extracts of plant drugs including capsicum, a small proportion of oil of sassafras, alcohol (not less than 58.6 percent by volume), chloroform (not more than 23.4 minims per fluid ounce), and water. The Kandu Vegetable Compound Female Regulator consisted essentially of extracts of plant drugs, alcohol, sugar, and water flavored with cloves. The Erbru Health Herbs and Iron consisted essentially of Epsom salt (6.4 grams per 100 cubic centimeters), a small proportion of an iron compound, extracts of plant drugs including a laxative drug, salicylates, sugar, and water. The Wonder Skin Ointment and Brightener contained a small proportion of red mercuric oxide (2.8 percent) incorporated in a petrolatum base. The Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy consisted essentially of small proportions of potassium acetate, methenamine, extracts of plant drugs, sugar, and water. The Vapo Nose and Throat Drops consisted essentially of small proportions of ephedrine, eucalyptol, and cinnamic aldehyde incorporated in a mineral oil base. The Healo Salve contained small proportions of zinc oxide and camphor, benzocaine, resorcinol, and rosin incorporated in a petrolatum and lanolin base. Bacteriological examination showed that it was not an antiseptic when used as directed. The Vapo Overnight Salve contained approximately 10 percent of volatile oils, including menthol, eucalyptol, and methyl salicylate, incorporated in a petrolatum base. The Kiss Sweet Tooth Paste consisted essentially of calcium carbonate, soap, sugar, glycerin, talcum,

and water. Bacteriological examination showed that it was not a germicide. The Glandeen Tablets contained extracts of plant drugs (including damiana and nux vomica) and iron carbonate; and were coated with calcium carbonate and sugar. The San-I-Gene Douche Powder consisted essentially of boric acid (90 percent) and small proportions of paraformaldehyde, potassium alum, and methyl salicylate, perfumed with oil of peppermint. Bacteriological examination showed that it was not an antiseptic when used as directed. The Bewino Beef Wine and Iron Tonic and Builder consisted essentially of a small proportion of iron and ammonium citrate, protein, sugar, alcohol, and water.

The Antiseptic Nerve and Bone Liniment was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it would affect curatively and therapeutically diseases, disorders, or acute abnormal conditions of the nerves and bones; that it was effective to relieve aches, pains, swelling, simple neuritis, headaches, toothaches, cuts, weak back, lumbago, stomach aches, pains and cramps, fresh cuts, burns, neuralgia, sciatica, earache, cankered sore mouth, sore nipples, ulcers, sore throat, hoarseness, bronchial cough, whooping cough, spasmodic croup, diarrhoea, dysentery, bloody flux, cholera morbus, muscular rheumatism, muscular cramp, lameness, lame back, swellings, stiff and sprained muscles, and to cause pains to go out from the human body, to cause users thereof to be healthy; to create pep and to infuse with life; to penetrate to the nerves and bones and thereby to afford relief from diseases or disordered conditions therein; to rush a new supply of blood to aching spot when applied by rubbing, for the treatment of lumbago, neuritis, burns, and backache; to afford soothing relief when used in the treatment of colic, cramps, heartburn, indigestion, and stomach ache. This article was alleged to be misbranded further in that the statements (bottle) "Alcohol 50%" and (carton) "Contains 50% Alcohol by volume, Chloroform 26 min. to each Fl. Ounce," were false and misleading since it contained 60 percent of alcohol by volume and less chloroform than represented; and in that it contained chloroform and the bottle label failed to bear a statement of the quantity or proportion of chloroform contained in the article.

The Kandu Vegetable Compound Female Regulator and Builder was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to regulate and to build the physical organization of weak, run-down, nervous women, to cure female weakness; to prevent painful menstruation periods; to cure physical conditions within the description of nervous, run-down, and blue conditions; to restore appetite; to cure cramps, pains, headaches and to correct irregularity in the menstrual flow; to make women healthy.

The Erbru Health Herbs were alleged to be misbranded in that they were falsely and fraudulently represented to be effective to relieve users from heartburn, torpid liver, irregular action of the kidneys, dull pains, sour stomach, physical exhaustion, headaches, biliousness, and similar ailments; to strengthen, build, and purify the blood and nerves; to relieve sufferers of swimming in the head; to give a clear, bright, healthy complexion; and to cleanse the system; to rid the human system of health-destroying poisons; to give sparkling health and long life; to produce pure, strong, healthy blood; to clear away pimples and banish dizziness and dull pains; to cure sour stomach, gas pains, clogged bowels, bloating, heart palpitation, torpid liver and swimming in the head; to impart life, pep, and energy; to strengthen, build and purify the nerves and blood; they were alleged to be misbranded further in that the following statements, (bottle) "Genuine Erbru Herbs and Iron, Full Strength Roots, Herbs, Barks, Berries, and Iron Compound Tonic, Erbru is fresh full strength roots, herbs, barks, berries and iron, nature's own remedy. Guaranteed Made from pure roots, herbs, barks, berries and iron," (carton) "Health Herbs, and Iron. Full Strength Roots, Herbs, Barks, Berries, and Iron Compound Tonic. You get the full strength of Erbru's Pure Roots, Herbs, Barks, Berries, Flowers and Iron because it's sealed for your protection," and (circular) "Natures own marvelous berry juices—roots, barks, herbs, iron Full strength roots, herbs, barks, berries and iron compound," were false and misleading in that they represented that the article was a compound of iron, roots, herbs, barks, and berries, and that it derived its efficacy solely from such ingredients; whereas it consisted chiefly of Epsom salt, an iron compound, extracts of plant drugs including a laxative drug, salicylate, sugar, and water.

The Wonder Skin Ointment and Brightener was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to remove

blemishes and to clear the complexion; to heal sallow skin and other skin imperfections; to heal eczema, pimples, dark blotches, ringworm, tetter, and other skin troubles; to remove rough, bumpy, muddy-looking skin; to build up the complexion; to produce young skin in just a few treatments; and to be effective in each of these various respects without burning or injuring the most delicate skin: To heal the skin and keep it young; to clear away blemishes and dark splotches, eczema, and all minor skin ailments. It was alleged to be misbranded further in that the metal container bore the statement, "A Harmless Guaranteed Ointment that will not burn or injure the most delicate skin," which was false and misleading in that 3 percent of the article, more or less, was red mercuric oxide, and that such quantity of red mercuric oxide caused it to be potentially harmful and dangerous to the most delicate skin.

The Preacher's No-Ru Kidney Bladder Rheumatism Backache Remedy was alleged to be misbranded in that it was falsely and fraudulently represented to be effective as a remedy in the treatment of disorders of the kidneys, liver and bladder, and of rheumatism and backache; to relieve backaches, dizziness, burning, smarting sensations, weak bladder, aching bones, leg pains and rheumatic pains; to cure backache, rheumatism, uric acid burning, backaches, nervousness, swollen feet, aching limbs, lumbago, kidney trouble; to eliminate acids and poisonous wastes from the kidneys; to cure pains in the back, dull complexion, puffy circled eyes; to cure kidney and bladder disorders; to give health and happiness; and to make one peppy and full of life. It was alleged to be misbranded further in that the statements, (bottle and circular) "Contains Nature's Roots, Herbs and Berries," and (carton) "Contains Nature's Roots, Herbs and Berries. No-Ru is made with fresh-pure-roots-herbs and berries. Nature's Remedy," were false and misleading in that they represented that the article was composed of roots, herbs, and berries and that its efficacy was derived solely from such ingredients; whereas it was composed essentially of potassium acetate, methenamine—which are not derived from roots, herbs, and berries—and extracts of plant drugs, sugar, and water.

The Vapo Genuine Nose and Throat Drops were alleged to be misbranded in that they were falsely and fraudulently represented to be effective to relieve sore throat, hay fever, asthma, inflamed nasal passages, and chest colds.

The Healo Salve was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that a circular contained in the package represented that it was "made from roots and herbs"; whereas it contained ingredients and substances not found in roots and herbs, namely, zinc oxide, benzocaine, and resorcinol, it also contained camphor and rosin and these ingredients were incorporated in a petrolatum base. It was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to heal wounds, cuts, sores, boils, burns, pimples, skin diseases, irritations, eruptions, aching feet, and itching or burning caused by eczema; to cure piles and pimples; to afford instant relief when used in the treatment of wounds, cuts, boils, aching feet, skin diseases, itching, burning, skin eruptions, eczema, and piles; to be beneficial when used in the treatment of animal cuts, wounds, scratches, udders; to cause a user thereof to be peppy, full of life and healthy; to serve the purposes of an antiseptic; to heal burns, boils, wounds and cuts and to cure piles. It was alleged to be misbranded further in that the statement in the circular, "Made from roots and herbs," was false and misleading since the said statement represented that the efficacy the article was derived solely from roots and herbs; whereas it contained zinc oxide, benzocaine, and resorcinol, and also camphor and rosin—ingredients not found in roots and herbs—incorporated in a petrolatum and lanolin base.

The Vapo Genuine Over Night Salve was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to penetrate the flesh to the seat of and to cure coughs, sore throats, chest colds, tonsillitis, asthma, sore throat, neuralgia, lung colds, hoarseness and headaches; to cure soreness and tightness on the chest or throat; to cure backaches, cuts, stiff neck, rheumatism, lumbago, and itching piles; to cure coughs, grippe, flu, rheumatism, bronchitis, catarrh, croup, piles, chest colds, sore throat; to act as a preventive of dangerous sickness.

The Kiss Sweet Tooth Paste was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold since it was labeled "Kills Germs," whereas it was not a germicide. It was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to strengthen the gums; to make the gums healthy red and to prevent decay. It

was alleged to be misbranded further in that the statement on the tube, "Kills germs," was false and misleading since it was not a germicide.

The Glandeen was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to augment or to restore human courage; to act as a "powerful strength invigorator"; to so effect the glands of the human organism as to restore lost vitality or lost manhood; to rehabilitate the human body when in a run-down condition.

The San-I-Geno Sanitary Antiseptic Douche Powder was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to heal and to protect the female sexual organs safely, harmlessly, and dependably; to maintain health; to enable one to get well when not well and to cause users to be healthy, peppy, and full of life. It was alleged to be misbranded further in that the statements on the jar and in the circular, "Antiseptic Douche Powder. Dissolve from one to two teaspoonfuls in a quart or more of warm water," were false and misleading since it was not an antiseptic.

The Bewino Beef Wine and Iron Tonic was alleged to be misbranded in that it was falsely and fraudulently represented to be effective to tone and renew and strengthen the human body; to restore sickly, run-down puny people to normal health and vigor; to impart pep and energy; to aid digestion; to cause one to be sensible to its efficacy in these several respects after taking the very first dose of the article; to impart to the blood its essential elements and to purify the blood. It was alleged to be misbranded further in that it contained alcohol and its package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On March 19, 1938, the defendants entered pleas of guilty and the corporation was sentenced to pay \$308 and the individual defendants were each sentenced to pay \$146, a total of \$600, which sums were in lieu of fines and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28312. Adulteration of potassium arsenite tablets and misbranding of atropine sulphate tablets. U. S. v. Direct Sales Co. Plea of guilty. Fine, \$300. (F. & D. No. 38599. Sample Nos. 67717-B, 5711-C.)

This case involved atropine sulphate tablets which contained an excess of atropine sulphate, and potassium arsenite tablets which were deficient in potassium arsenite.

On January 11, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Direct Sales Co., a corporation, Buffalo, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 13 and June 13, 1936, from the State of New York into the States of Pennsylvania and Illinois of quantities of atropine sulphate tablets and potassium arsenite tablets, respectively, of which the former was misbranded and the latter was adulterated. The articles were labeled: "Hypodermic Tablets Atropine Sulphate 1/120 Grain;" "Potassium Arsenite (Fowler's Solution) 5 minims." Both were labeled further: "Manufactured by Direct Sales Co., Inc., N. Y."

The potassium arsenite tablets were alleged to be adulterated in that their strength fell below the professed standard under which they were sold in that they were labeled, "Tablets Potassium Arsenite (Fowler's Solution) 5 minims C T," whereas they contained potassium arsenite equivalent to less than 5 minims of Fowler's solution each, namely, 3.7 minims of Fowler's solution per tablet.

The atropine sulphate tablets were alleged to be misbranded in that the statements "Hypodermic Tablets Atropine Sulphate 1/120 Grain" were false and misleading since they represented that each of the tablets contained 1/120 grain of atropine sulphate, whereas they contained more than so represented, namely, not less than 0.0099 grain, i. e., approximately 1/100 grain of atropine sulphate per tablet.

On December 6, 1937, a plea of guilty was entered on behalf of the defendant and on December 16 a fine of \$300 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28313. Adulteration of scopolamine hydrobromide tablets and tincture of aconite root. U. S. v. Direct Sales Co., Inc. Plea of guilty. Fine, \$300. (F. & D. No. 37926. Sample Nos. 51954-B, 54036-B.)

This case involved tablets which contained scopolamine hydrobromide in excess of the amount declared, and tincture of aconite root which had a potency of approximately one-fifth of that required by the United States Pharmacopoeia.