

**28318. Misbranding of Essence of Mistol. U. S. v. 1,282 Dozen Bottles of Essence of Mistol. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 29812. Sample Nos. 22676-A to 22679-A, incl.)

This product contained isopropyl alcohol, which was not declared on the label, as required by law.

On February 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,282 dozen bottles of Essence of Mistol at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by Stanco Distributors, Inc., from Bayway, N. J., on or about October 11 and November 18, 1932, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the package failed to bear a statement on the label of the quantity or proportion of isopropyl alcohol contained therein; that the October 11, 1932 shipment carried no declaration whatsoever of isopropyl alcohol; that the bottle label on the other consignment carried an inconspicuous declaration of isopropyl alcohol and that neither the retail carton nor the display carton carried any declaration of the quantity of isopropyl alcohol.

On October 11, 1937, the Stanco Distributors Corporation, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the packages, retail cartons, display cartons, and the shipment of October 11, 1932, be relabeled by placing thereon a statement of the quantity or proportion of isopropyl alcohol contained in the article and also by causing the bottle label to carry a conspicuous declaration of isopropyl alcohol.

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

**28319. Misbranding of Gall-Flo. U. S. v. Gall-Flo Laboratories, Inc., Ella M. DeWeese, Durbin L. Keeney, and Harry T. Lederer. Pleas of nolo contendere; finding of guilty. Fine, totaling \$100 and costs.** (F. & D. No. 37973. Sample No. 67687-B.)

The labeling of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On October 5, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gall-Flo Laboratories, Inc., and Ella M. DeWeese, Durbin L. Keeney, and Harry T. Lederer, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 9, 1936, from the State of Ohio into the State of West Virginia, of a quantity of Gall-Flo that was misbranded. The article was labeled in part: "Manufactured by Gall-Flo Laboratories, Inc. Cleveland, Ohio."

Analysis showed that the article consisted essentially of water, alcohol, plant extractives, and an unidentified alkaloid.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its curative or therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for liver, gall bladder and stomach disorders arising from a sluggish flow of bile, pains in the pit of the stomach, gas, bloating, flatulence, colic, sour or bile eructations, bitter taste in the mouth, nausea, irritability, all-tired-out feeling, dizzy bilious headaches, gall-bladder and liver trouble due to pregnancy, stagnant liver, and most bilious symptoms; and effective to alleviate distress and biliousness arising from a sluggish flow of bile, to aid digestion, to prevent constipation, and to promote normal digestion in the intestines.

On November 19, 1937, the defendants entered pleas of nolo contendere, were found guilty by the court and were each fined \$25. Costs also were imposed.

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

**28320. Misbranding of Dr. J. R. W. Ward's Formulas. U. S. v. Standardized Remedies, Inc., and Joseph Frey. Pleas of nolo contendere. Fine, \$500 each.** (F. & D. No. 39487. Sample Nos. 4522-C, 4577-C, 4578-C, 27962-C, 27963-C.)

The labeling of these products contained false and fraudulent representations regarding their curative and therapeutic effects.

On July 9, 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 Standardized Remedies, Inc., New York, N. Y., and Joseph Frey, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about August 3, October 19 and November 10, 1936, from the State of New York into the States of New Jersey and Missouri of quantities of drug preparations, hereinafter described, which were misbranded. Portions were labeled: "Formula No. 448 [or "447" or "459"] \* \* \* Dr. J. R. W. Ward's Formulas \* \* \* Standardized Remedies, Inc. \* \* \* Brooklyn, N. Y." The remainder were labeled: "Formula 444 [or "434"] \* \* \* Stand. Rem. Lab. Inc. Brooklyn N. Y."

Analyses of samples showed: (1) That Formula No. 448 contained plant material, including blessed thistle, and probably licorice; (2) that Formula No. 444 contained coarsely ground plant material, including chamomile flowers, cotton-root bark and probably dog grass, senna, and podophyllum; (3) that Formula No. 447 contained plant material, including probably chamomile, podophyllum, and kamala; (4) that Formula No. 434 consisted of plant material, including chamomile flowers, lovage root, and probably cotton-root bark, dog grass, and podophyllum; and (5) that Formula No. 459 contained plant material, including podophyllum root and starch, and other plant tissues not recognized.

The articles were alleged to be misbranded in that the labeling bore statements falsely and fraudulently representing that the preparations were effective in the following treatments: Formula No. 448 for hardening of arteries, Formula No. 444 for dropsy, Formula No. 447 for high blood pressure, Formula No. 434 for diabetes, and Formula No. 459 for weakness of the heart.

On November 26, 1937, pleas of nolo contendere having been entered by the defendants, they were sentenced to pay fines in the total amount of \$1,000.

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

**28321. Adulteration and misbranding of Puritan Brand General Tonic, and misbranding of Puritan Brand Liniment and Puritan Brand Treatment Tablets. U. S. v. Clyde Collins Chemical Co., Clyde Collins, and Roy Clark Collins. Pleas of guilty. Total fines, \$400; costs assessed. (F. & D. No. 39744. Sample Nos. 15791-C, 15792-C, 15793-C.)**

The labeling on these products contained false and fraudulent curative and therapeutic claims. The General Tonic was represented to contain iron and nux vomica; whereas it contained an inappreciable amount of iron and no nux vomica.

On August 31, 1937, 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 (amended September 28, 1937) against the Clyde Collins Chemical Co., a corporation, Memphis, Tenn., Clyde Collins, and Roy Clark Collins, alleging shipment by said defendants in violation of the Food and Drug Act as amended, on or about November 12, 1936, from the State of Tennessee into the State of Georgia of quantities of the above-named products, which were misbranded and the first-named of which was also adulterated. The articles were labeled in part: "Manufactured by Clyde Collins Chemical Co."

Analysis showed that the General Tonic consisted essentially of magnesium sulphate, small proportions of sodium citrate, extracts of plant drugs, saccharin, salicylic acid, and a minute amount of iron compound and water; that the Liniment consisted essentially of light petroleum oil containing small proportions of eucalyptol and methyl salicylate colored with a red dye, and that the Treatment Tablets contained iron oxide, small proportions of zinc phosphide, and strychnine, milk sugar, talc, and a gum.

The tonic 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 contain iron and nux vomica; whereas it contained an inappreciable amount of iron and no nux vomica. It was alleged to be misbranded in that the statements, (circular) "Containing Iron \* \* \* it contains iron, also nux" and (carton and bottle) "Containing Iron," were false and misleading since they represented that the article contained an appreciable amount of iron and nux vomica; whereas it contained an inappreciable amount of iron and no nux vomica.

All products were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic or curative effects, appearing in the labeling, falsely and fraudulently represented that the tonic was effective as a general tonic; as a tonic; as a great body builder and as a health-building and strength-renewing medicine; effective to restore health; effective as a treatment for kidney and bladder ailments; and effective as a relief for bilious-