

The article was alleged to be misbranded in that the statements on the label, "Vitamin D * * * Twenty Thousand U S P Units per Gram biologically standardized by the Loyola University of Los Angeles," were false and misleading when applied to an article containing much less than 20,000 U S P units of vitamin D per gram.

On March 7, 1938, Lancaster, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled: "Fifteen thousand U. S. P. Units Per Gram."

M. L. WILSON, *Acting Secretary of Agriculture.*

29049. Misbranding of Kobros Tablets, Apostal Herb Tea, and Balsam for Lungs. U. S. v. 48 Packages of Kobros Tablets, et al. Default decree of condemnation and destruction. (F. & D. Nos. 42175 to 42178, incl. Sample Nos. 8375-D, 8378-D, 8379-D, 8380-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims, and one lot of the Balsam for Lungs contained less alcohol and less chloroform than represented on its label.

On April 14, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 packages of Kobros Tablets, 27 packages of Apostal Herb Tea, and 107 packages of Balsam for Lungs at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on various dates between January 30, 1937, and February 18, 1938, from Duquesne, Pa., by the Royal Manufacturing Co. of Duquesne; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that the Kobros Tablets consisted essentially of acetylsalicylic acid (aspirin, 5 grains per tablet); that the Apostal Herb Tea consisted essentially of plant material including coriander seed, senna leaves, licorice bark, uva ursi leaves, and cascara sagrada bark; and that the Balsam for Lungs consisted essentially of a syrupy liquid containing alcohol (approximately 5 percent), water, chloroform (approximately 1 minim per fluid ounce), menthol, pine tar, and extract of wild-cherry bark.

The Kobros Tablets were alleged to be misbranded in that certain statements appearing in the labeling in English, Polish, Hungarian, and Slavic, falsely and fraudulently represented the curative and therapeutic effectiveness of the article for the relief of pains and aches, rheumatism, grippe, backache, dullness, dizziness, pressure in head, sleeplessness and such pains which accompany rheumatism, sciatica, lumbago, brain fatigue, sour stomach, nervous exhaustion or similar pains; and in the treatment of rheumatism, nervousness, insomnia, stiffness in the back joints, many pains peculiar to women, head cramps, gout, earache and toothache, trauma, swelling, or any other similar pains.

The Apostal Herb Tea was alleged to be misbranded in that certain statements appearing in the labeling in English, German, Polish, and Hungarian, falsely and fraudulently represented its curative and therapeutic effectiveness in the treatment of dyspepsia, indigestion, biliousness, rheumatism, sick headache, and certain stomach, liver, and kidney ailments; to purify the blood and the complexion; its effectiveness as a treatment for gastric debility, hemorrhoids and chronic diseases, rheumatism, dropsy, tumors, cancer, and all blood disorders, ailments of the stomach, kidneys, liver, and eczema; and to bring a healthy appetite, to stimulate the flow of the bile, to aid the intestines and liver to healthful activity, to strengthen the entire system and assure peaceful sleep, and to cleanse the blood of waste and unclean material.

The Balsam for Lungs was alleged to be misbranded in that certain statements appearing in the label in English, German, Polish, and Hungarian, falsely and fraudulently represented the curative and therapeutic effectiveness of the article in the treatment of coughs, simple ailments of the throat, chest and lungs, and hoarseness; and its effectiveness in the treatment of lung and chest sickness, whooping cough, asthma, and other troubles connected with the breathing apparatus, bronchitis, and croup.

One lot of the Balsam for Lungs was alleged to be misbranded further in that the following statements appearing in the label were false and misleading, since they represented that the article contained 8 percent of alcohol and that it contained 3 minims or more of chloroform to each fluid ounce; whereas it did not contain 8 percent of alcohol nor 3 minims of chloroform to each fluid ounce, but did contain smaller amounts of alcohol and of chloro-

form: (Bottle label) "Alcohol 8%, Chloroform 3 M. to each Fl. ounce."; (carton) "Alcohol 8 Per Cent. Chloroform 4 Minims, * * * to Each Fl. Ounce."

On June 15, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29050. Misbranding of Betix. U. S. v. 72 Packages of Betix. Default decree of condemnation and destruction. (F. & D. No. 41733. Sample No. 8357-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 21, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 packages of Betix at Evanston, Ill.; alleging that the article had been shipped in interstate commerce on or about January 6, 1938, from Milwaukee, Wis., by the Scheide-mann Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of a coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries, and small quantities of uva ursi and senna leaves.

The article was alleged to be misbranded in that the statement borne on the package label, "Betix is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry," meant to sufferers from diabetes that their bodies would regain the ability to convert sugar in the blood into the substances normally produced in healthy persons, in that the word "Betix" was a device, that the aforesaid statement and device were representations regarding the curative and therapeutic effects of the article, and were false and fraudulent since they meant to the purchaser that the article was a treatment for diabetes, having attained such meaning as a result of such statement and a circular entitled "Facts About Betix," a supply of which was received by the consignee from the consignor and which was distributed to customers and prospective customers.

On April 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*