

Ohio, Richard F. Hillgrove, and Walter P. Weihe, alleging shipment on or about September 26, 1940, from the State of Ohio into the State of West Virginia of a quantity of Kurex Diabetic Tonic which was misbranded.

Analysis showed that the article consisted chiefly of water, alcohol, reducing sugars, and plant extractives including emodin-bearing drugs and a trace of unidentified alkaloids.

The article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient, including the kind, quantity, and proportion of alcohol. It was alleged to be misbranded further in that representations in the labeling that it would be efficacious in the treatment of diabetes; would enable the diabetic patient to eliminate the taking of insulin; was efficacious in the treatment of blindness caused by diabetes; would heal feet which were open as the result of diabetes; would heal legs which were ulcerated as the result of diabetes; would be efficacious in the treatment of run-down conditions and other ailments contracted by poor living conditions; was a systemic tonic and would be efficacious in the treatment of many ailments common to bad blood and other conditions such as rheumatism and ailments caused by kidney disorders; and would restore lost appetite and improve the nervous condition and general health.

On May 26, 1941, pleas of nolo contendere were entered on behalf of all defendants. The court imposed a fine of \$250 against each of the defendants but ordered that payment of the fines of the individual defendants Richard F. Hillgrove and Walter P. Weihe be suspended.

486. Misbranding of Dickson's Herb-Lax Tonic. U. S. v. Addison H. Dickson (A. H. Dickson). Plea of guilty. Fine, \$100. (F. D. C. No. 2837. Sample No. 9583-E.)

This product was falsely labeled to imply that it was a laxative compound composed entirely of, and deriving its laxative properties solely from, herbs. Furthermore, it bore false and misleading representations regarding its efficacy as a tonic and in the treatment of certain diseases.

On October 8, 1940, the United States attorney for the Western District of Tennessee filed an information against Addison H. Dickson, trading as A. H. Dickson, at Memphis, Tenn., alleging shipment on or about May 3, 1940, from the State of Tennessee into the State of Louisiana, of a quantity of Dickson's Herb-Lax Tonic that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of Epsom salt (approximately 28 grams per 100 cc.), small proportions of methenamine, salicylic acid, sodium benzoate, plant extracts including nux vomica, and a resinous substance such as podophyllum, a trace of iron, and water flavored with peppermint oil.

This drug was alleged to be misbranded in that its name or designation "Herb-Lax Tonic," borne on the bottle label, was false and misleading since it represented that the drug was a laxative compound composed entirely of herbs and that it derived its laxative properties solely from herbs; whereas it was not a laxative compound composed entirely of herbs but did consist in part of Epsom salt, a mineral substance; and it did not derive its laxative properties solely from herbs but did derive its laxative properties in large part from Epsom salt. It was alleged to be misbranded further in that the following statements "Herb-Lax Tonic * * * Recommended for Indigestion * * * Biliousness, Nervousness, Bad Blood, Rheumatism, Urinary Troubles and General Rundown Conditions," borne on the bottle label, were false and misleading since it was not efficacious for such purposes.

On October 31, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$100.

487. Misbranding of Locao Belem. U. S. v. Belem Products Co. Plea of guilty. Fine, \$75. (F. D. C. No. 2968. Sample Nos. 32807-E, 32808-E.)

On September 11, 1941, the United States attorney for the Southern District of Texas filed an information against Belem Products Co., a corporation, Houston, Tex., alleging shipment on or about November 1, 1940, from the State of Texas into the State of California of a number of 3-ounce and 6-ounce bottles of Locao Belem that was misbranded.

Analysis of a sample of the article showed that it consisted chiefly of water, alcohol, a foam producer, a small amount of glycerin, and perfume materials.

The article was alleged to be misbranded in that statements in the labeling representing that it was efficacious in the treatment of baldness, falling hair,