branded further in that they were not designated solely by names recognized in an official compendium, and each was fabricated from two or more ingredients and the label of each failed to bear the common or usual names of the active ingredients and, in the case of the Clear Head Cold Tablets, failed to bear a statement of the quantity or proportion of acetanilid present.

The device was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof, particularly the labeling for Bullock's Antiseptic Healing and Cleansing Tonic, and the statements contained in the circular entitled "Directions for use of Bullock's System Home Treatment."

On January 12, 1943, the defendant having changed his original plea of not guilty to a plea of nolo contendere, the court imposed a sentence of 180 days in jail, which was suspended on condition that the defendant was not then selling and would not again engage in the sale of the articles and the device complained of in the information.

909. Misbranding of Dr. Peter's Kuriko. U. S. v. Dr. Peter Fahrney & Sons Co. Plea of nolo contendere. Fine, $250. (F. D. C. No. 6435. Sample No. 60224–E.)

The labeling of this product bore false and misleading therapeutic claims and failed to give adequate directions and warnings for use.

On May 12, 1942, the United States attorney for the Northern District of Illinois filed an information against Dr. Peter Fahrney & Sons Co., a corporation, Chicago, Ill., alleging shipment on or about May 15, 1941, from the State of Illinois into the State of Washington of a quantity of a drug, known as Dr. Peter's Kuriko, which was misbranded.

Analysis showed that this drug consisted of a brown liquid containing chiefly plant extractives, emodin-bearing drugs, sugars, water, and alcohol.

The article was alleged to be misbranded in that the statements regarding its efficacy in the cure, mitigation, treatment, or prevention of disease appearing in the labeling were false and misleading since they represented and suggested that the article was a stomachic and would be efficacious in strengthening the stomach or stimulating its action; that it was a diuretic; that it was efficacious in the cure, mitigation, treatment, or prevention of nervousness, indigestion, and upset stomach, headaches, loss of sleep and appetite, and common colds; that it would produce an excellent effect upon the general state of health and would help the body eliminate waste products by way of the kidneys; that it would aid digestion in the stomach and intestines and thus prepare all foods for use in the body; that it would aid digestion in the intestines by preventing faulty elimination and thus help the entire digestive function, and would remove waste products from the blood and from the tissues of the body; that the drug was efficacious in the cure, mitigation, treatment or prevention of a general feeling of poor health; that it would act on the bowels without griping or purging, and would effectively remove gas and irritating waste matter from the stomach; that it was essential to good health; that it would prevent the many disorders which arise from constipation, such as headache, malaise, nervousness, irritability, and loss of appetite; that it would prevent nervous conditions caused by distress signals arising from the nerve endings in the lower bowel; that it would prevent the serious illnesses resulting from common colds by preventing a run-down condition caused by faulty elimination; that it was efficacious in the cure, mitigation, treatment or prevention of nervousness and weakness following a surgical operation; and that it would improve the appetite, cure nervous indigestion, promote sleep, aid the stomach to function, and regulate the bowels, whereas the article was not a stomachic nor a diuretic, and it was not essential to good health and would not be efficacious, with respect to the other matters as described above.

The article was alleged to be misbranded further in that the label failed to bear adequate directions for its use since the directions did not provide a limitation for the duration of its administration; and in that the label failed (1) to warn that the article should not be taken when suffering from nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and (2) that the frequent or continued use of the article might result in dependence upon a laxative and, by reason thereof, the label did not bear such adequate warnings against use in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage or methods or duration of administration, in such manner and form as are necessary for the protection of users.

It was alleged to be misbranded further in that certain information required by law to appear in the labeling was not properly placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the label contained representations in foreign languages and did not bear in such foreign languages adequate directions or warnings.

On December 1, 1942, the defendant having changed its original plea of not guilty to a plea of nolo contendere, the court imposed a fine of $250 without costs.

910. Adulteration and misbranding of Ridia and misbranding of Sa-Lax. U. S. v. Crawford Foods, Inc., and Harry A. Crawford. Pleas of nolo contendere. Sentences suspended. Defendants placed on probation for 2 years. (F. D. C. No. 7232. Sample Nos. 32621–E, 32622–E, 55392–E, 55743–E.)

On August 3, 1942, the United States attorney for the Southern District of California filed an information against Crawford Foods, Inc., Eagle Rock, Calif., and Harry A. Crawford, alleging shipment within the period from on or about July 26, 1940, to January 12, 1941, from the State of California into the States of Arizona, Washington, and Oregon, of a quantity of Ridia which was misbranded, and a portion of which was also adulterated, and a quantity of Sa-Lax which was misbranded.

Analysis of a sample of Ridia showed that it consisted of tablets containing material derived from plant sources, including alfalfa and a species of mintleaf. Portions of the article were alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess, since the following statements appearing in a folder entitled, "The Health Chronicle Nature's Printed Guide", issued by the defendant, "I then was able to produce club-root in a tablet form so that each tablet contained a potency equal to two insulin units. * * * Commercially the product will be known as RIDIA and will be distributed exclusively by Crawford Foods, Inc., 2775 Broadway, Eagle Rock, California," purported and represented that each tablet of the article possessed a potency equal to two insulin units, whereas each tablet of the article did not possess a potency equal to two insulin units.

All shipments of the Ridia were alleged to be misbranded in that certain statements in the labeling regarding its efficacy in the cure, mitigation, treatment, or prevention of disease were false and misleading since they represented and suggested that the article, when taken as directed and in accordance with the supplementary needs of the diet, would supply supplementary food for diabetics and would act as a food adjuvant to diets regularly prescribed for persons suffering from diabetes, whereas it would not be efficacious for such purposes.

It was also alleged in the information that the Ridia was a new drug with respect to which no application was effective.

Analysis of a sample of the Sa-Lax showed that it consisted essentially of dried plant materials, including rhubarb root, senna, Irish moss, okra, leafy materials such as parsley, and traces of peanut hulls.

It was alleged to be misbranded in that the statements, "The active principles in this formula are parsley and asparagus. Parsley and asparagus appear to maintain a higher alkalinity through the intestine and into the colon than do other vegetables of higher initial alkaline content," and certain statements regarding the efficacy of the article in the cure, mitigation, treatment, or prevention of disease, borne on the label, were false and misleading in that they represented and suggested that the active ingredients in the article were parsley and asparagus; that parsley and asparagus would maintain a higher alkalinity throughout the intestine and into the colon than do other vegetables of higher initial alkaline content; that it would minimize the alkaline demand upon the liver, that the article would conserve the alkaline demand upon the liver and would facilitate the liver's fabrication and secretion of a more alkaline or normal bile, which would thereby result in more complete digestion, minimized fermentation, and lowered putrefaction within the colon itself, whereas parsley and asparagus were not active ingredients, and parsley and asparagus would not maintain a higher alkalinity through the intestine and into the colon than do other vegetables of higher initial alkaline content, and the article would not be efficacious for the purposes claimed.

The Sa-Lax was alleged to be misbranded further in that its label failed to bear adequate directions for use since the directions appearing on the label, "The dosage of Crawford's Sa-Lax must be determined by the severity of the case. The adult dosage suggested is two tablets upon retiring, to be increased to one tablet four times per day, with meals and upon retiring in the more severe cases. Chil-