

6.06 percent to 7.68 percent, and its difference in strength and quality from the standard was not plainly stated, or stated at all, on its label. The article was alleged to be misbranded in that the label statement, "Blue Ointment \* \* \* U. S. P.," was false and misleading.

The Cheri Hance Sirup was 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 it purported and was represented to contain 8 grains of ammonium chloride per fluid ounce, whereas it contained not more than 5.88 grains of ammonium chloride per fluid ounce. It was alleged to be misbranded in that the label statement, "Each Fluid Ounce Contains: \* \* \* Ammonium Chloride . . . 8 grs.," was false and misleading.

The Hance Compressed Tablets of Triple Bromides were alleged to be misbranded in that the labeling bore no directions for use.

On January 5, 1945, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50.

**1408. Misbranding of Emerson's Famous Medicine. U. S. v. 177 Bottles of Emerson's Famous Medicine. Default decree of condemnation and destruction. (F. D. C. No. 12708. Sample No. 73335-F.)**

On June 19, 1944, the United States attorney for the Northern District of California filed a libel against 177 bottles of Emerson's Famous Medicine at Oakland, Calif., alleging that the article had been shipped from Kansas City, Mo., on or about February 17 and April 15, 1944, by the Emerson Medicine Co.

The labeling of the article included a circular contained in the cartons and entitled "Emerson's Famous Medicine," a card entitled "You'll Be Surprised," and a circular entitled "Your Horoscope," which latter contained the following statements, among other things: "Note the Medicinal Values given to the Roots, Barks and Herbs used in Emerson's Famous Medicine. Honduras Sarsaparilla, U. S. P.—Alterative, Depurative (Purifying the Blood), Cleansing. Yellow Dock, N. F.—Depurative (Purifying the Blood) Cleansing, Anti-Scorbutic. Prickly Ash Bark, N. F.—Alterative Tonic. \* \* \* Burdock, N. F.—Diuretic. Stillingia, N. F.—Diuretic, Resolvent. Dandelion, N. F.—Hepatic, Stimulant Tonic. Poke Root, N. F.—Alterative. Mandrake, U. S. P.—\* \* \* Hepatic, Emmenagogue. Liverwort Leaves—Demulcent, Pectoral."

Examination of a sample disclosed that the article contained, per tablespoonful, 2.66 grains of sodium salicylate, 0.27 grain of potassium iodide, and small proportions of extracts of plant drugs, including a laxative drug such as aloë. Water constituted approximately 96.8 percent of the preparation.

The article was alleged to be misbranded in that certain statements in the labeling and in the accompanying circulars were false and misleading in that they represented and suggested that the article was a harmless prescription for the treatment of muscular aches and pains, inorganic, rheumatic, and neuralgic aches and pains, indigestion, a tired, run-down feeling, constipation, bad breath, biliousness, sick headache, rheumatism, pimples and blotches, gas on the stomach, acid stomach, nervousness, sleeplessness, liver trouble, sciatica, and neuritis; and that the roots, barks, and herbs contained in the article possessed the medicinal properties ascribed to them. The article was not a harmless prescription; it would not be efficacious in the treatment of the conditions named; and the roots, barks, and herbs mentioned did not possess the medicinal properties ascribed to them, or they were present in the preparation in such small proportions as to be negligible.

The article was alleged to be misbranded further in that the statement on the carton and bottle labels, "Contains Honduras sarsaparilla, yellow dock, burdock, prickly ash bark, \* \* \* liverwort leaves, \* \* \* stillingia, dandelion, gentian root, \* \* \* potassium iodide," was misleading in that it implied that the ingredients named were therapeutically active constituents of the article, and that they contributed to its medicinal effects, whereas they were not therapeutically active constituents and did not contribute to the medicinal effects of the article. It was alleged to be misbranded further in that its labeling failed to bear adequate warnings, since the warning in the labeling against use "in cases of severe abdominal pains, vomiting, nausea or other symptoms of appendicitis" did not serve to warn against use when there was *any* pain, vomiting, nausea, or other symptoms of appendicitis; and since there was no warning to the effect that frequent or continued use of the article, which was essentially a laxative, might result in dependence upon laxatives to move the bowels.

On August 22, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.