

rheumatic and arthritic cases; that it would enable one to resume comfortable, normal living; that it would enable sufferers to gain relief, even after 20 years of pain and torture; that it would enable one to move about without pain and enjoy life again; that it would aid in the relief of nagging aches, pains, swelling, and stiffness accompanying arthritis and related illness, such as certain types of rheumatism, sciatica, bursitis, and neuritis; that it was one of the fastest and safest remedies known for alleviating the miseries of the rheumatoid state and arthritis, and was an efficient medicament for the relief of the symptoms of such infirmities; that users of the article would have no more "Blue Days," and would resume a cheerful outlook on life; that the article would aid sufferers from gout to regain a comfortable living status; that it would assist in the relief from the discomfort of neuritis, aid in maintaining the feeling of well-being, and aid in insuring adequate functioning of the vital enzyme systems of the blood and bones; and that it would bring symptomatic relief to sufferers from arthritis, fibrositis, and certain forms of rheumatism, sciatica, and neuritis. The article was not adequate and effective for the treatment and cure of all types of arthritis and rheumatism; it contained drugs; and it was not capable of fulfilling the promises of benefit stated and implied.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of aspirin, an active ingredient.

The article was misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: April 26, 1950. The libel proceedings having been transferred to the Southern District of Ohio, and the Rhodes Pharmacal Co., Inc., claimant, having filed an answer denying that the article was misbranded, but subsequently without admitting the misbranding, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the labeling of the product be destroyed and that the bottles of the product be delivered to a charitable hospital or institution for use under the supervision of physicians, as a simple analgesic. On June 14, 1950, the decree was amended to allow destruction of the product.

3212. Misbranding of thyroid tablets. U. S. v. 136 Dozen Bottles, etc. (F. D. C. No. 28702. Sample No. 54179-K.)

LIBEL FILED: On or about February 8, 1950, Northern District of Texas.

ALLEGED SHIPMENT: On or about August 9 and September 28, 1949, by the Kalamazoo Pharmacal Co., Kalamazoo, Mich.

PRODUCT: *Thyroid tablets.* 136 dozen 50-tablet bottles and 8 dozen 100-tablet bottles at Dallas, Tex., in possession of the Sims Pharmacal Co.

RESULTS OF INVESTIGATION: This product was shipped, labeled as described below. A number of circulars which had been printed locally and which were entitled "There Is Relief For High And Low Blood Pressure," were in possession of the consignee. These circulars were given to prospective customers and were being mailed to persons inquiring about the product. The consignee had on display in the office a cardboard display stand holding six bottles of the product, four copies of the above-named circular, and a poster entitled "Drug is Discovered."

LABEL, IN PART: "Boaz's Tablets * * * Each tablet contains: Ext. Thyroid 1/500 gr. and Ext. Parathyroid, Ext. Pituitary, Calcium Lactate, and Sodium Bicarbonate."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements which appeared on the bottle label "in the treatment of abnormal Blood Pressure and following Symptoms: Headaches, dizziness, pains in back of head and neck, and cramping in the legs" were false and misleading since the product would not be effective in the treatment of abnormal blood pressure or of the symptoms stated. The product was misbranded in the above respect when introduced into, and while in, interstate commerce.

Further misbranding, Section 502 (a), the statements in the circulars entitled "There Is Relief For High And Low Blood Pressure," on the cardboard display stand, and on the display poster entitled "Drug is Discovered," which accompanied the article and which represented and suggested that the article was effective in the treatment of high and low blood pressure, were false and misleading since the article would not be effective in the treatment of such conditions. The product was misbranded in the latter respect while held for sale after shipment in interstate commerce.

DISPOSITION: March 7, 1950. Default decree of condemnation and destruction.

3213. Misbranding of Pep tonic, Taj Quality tetter salve, Taj Superior balm, and Hindu Magic liniment. U. S. v. 17 Bottles, etc. (F. D. C. No. 29050. Sample Nos. 56869-K to 56872-K, incl.)

LIBEL FILED: April 11, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about October 4, November 28, and December 12, 1949, and February 10 and 16, 1950, by the Taj Perfume Co., from Detroit, Mich.

PRODUCT: 17 8-fluid-ounce bottles of *Pep tonic*, 2 2-ounce jars of *Taj Quality tetter salve*, 33 2-ounce jars of *Taj Superior balm*, and 78 2-ounce bottles of *Hindu Magic liniment*, at Newark, N. J.

Analysis disclosed that the *Pep tonic* consisted essentially of hypophosphites of calcium, sodium, and potassium, and alcohol, sugar, flavor, coloring, and water; that the *Taj Quality tetter salve* consisted essentially of sulfur, resorcinol, and menthol salicylate in a petrolatum base; that the *Taj Superior balm* consisted essentially of essential oils such as eucalyptol, methyl salicylate, menthol, and thymol in a petroatum base; and that the *Hindu Magic liniment* consisted essentially of essential oils, chloroform, isopropyl alcohol, water, and a red coloring matter.

LABEL, IN PART: "Pep Tonic * * * East & West Herbs Laboratory," "Taj Quality Tetter Salve," "Taj Superior Balm," and "Hindu Magic Liniment."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the labels of the articles were false and misleading since they represented and suggested that the articles would be effective for the treatment of the conditions stated and implied, whereas they would not be effective for such purposes: (Pep tonic) "Pep Tonic * * * to enrich blood cells, strengthen the nerves, and impart vitality into the entire system * * * for anemic, weak, low, vitality, rundown and nervous condition," (Taj Quality tetter salve) "Tetter Salve An excellent remedy for Tetter Eczema and Dandruff," (Taj Superior balm) "For Colds and Sorethroat," and (Hindu Magic liniment) "Marvelous in Stopping Pains Instantly. Unequaled for Rheumatism, Sore stiff joints * * * Toothache * * * Head or Chest-Colds, Pneumonia * * * Corns and Bunions."

Further misbranding, Section 502 (e) (2), the label of the *Pep tonic* failed to bear the quantity, kind, and proportion of alcohol contained therein; and