

4969. Misbranding of "Stuart's Calcium Wafer Compound." U. S. * * * v. 12 Dozen Packages * * * of "Stuart's Calcium Wafer Compound," Submitted to the court. Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 7410. I. S. No. 1785-1. S. No. E-601.)

On May 8, 1916, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen packages of "Stuart's Calcium Wafer Compound," remaining unsold in the original unbroken packages at Charleston, W. Va., alleging that the article had been shipped on April 21, 1916, by the F. A. Stuart Co., Marshall, Mich., and transported from the State of Michigan into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. Each of the packages was labeled, in part: "Stuart's Calcium Wafer Compound."

It was alleged in the libel that the branding and labeling of the product were false and fraudulent, and that the article was therefore misbranded for the reason that in said branding and labeling the article was designated as perfectly harmless, whereas in fact it was not harmless, as therein claimed, but on the contrary was harmful for the reason that it consisted of calcium sulphid, aloes, and strychnine, a poisonous substance, and was coated with iron oxid. It was further alleged that the branding and labeling of the article were false and fraudulent, and the article was therefore misbranded for the reason that said labeling and branding designated it as a remedy for eruptions, scrofula, constipation, humor, liver troubles, and all disorders and symptoms arising from impure blood; for blood disorders, skin affections, and any derangement of the blood, bowels, kidneys, or liver, and for the further reason that in said labeling and branding the article was claimed as a remedy for blood troubles and skin diseases; that it was the most powerful blood purifier known; that it would relieve from skin diseases, and would purify and enrich the blood; that the liver would be aided and the stomach reenforced by the use of the article; and that it was a remedy for chronic and temporary blood disorders and skin diseases; that it would restore the normal action of the bowels, liver, and excretory organs; that its use would infuse renewed energy and strength into the exhausted nerves and overworked brain and muscular system; and that it contained all the ingredients necessary to repair nerve tissue and depleted blood, and would relieve and prevent constipation, whereas, in fact and in truth, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects so claimed for it in said labeling and branding. It was further alleged that the labeling and branding of the article were false and fraudulent, and it was therefore misbranded in that, in said labeling and branding, it was claimed for the article that children might take it with freedom; that their organisms would thrive with its use; that it was harmless and contained no poisonous ingredients; that it was a safe remedy and contained no opiate, mercury, iodid potassium, or similar poisons; that it might be used safely by any person; and that no possible injury could result from its use, whereas, in truth and in fact, it consisted of calcium sulphid, aloes, and strychnine, was coated with iron oxid, and contained a poisonous substance, to wit, strychnine, and whereas, in truth and in fact, it could not be taken by children, and their organisms [would not] thrive with its use, and whereas, in truth and in fact, the article was not harmless and did contain a poisonous ingredient, to wit, strychnine, and was not a safe remedy

and contained a poison, to wit, strychnine, and could not be safely used by any person with no possible injury resulting therefrom.

On June 29, 1916, no claimant having appeared for the product, and the case having been submitted to the court without a jury, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*