

6340. Misbranding of Nuxcara. U. S. * * * v. Reuben B. Kelley. Plea of guilty. Fine, \$25. (F. & D. No. 8010. I. S. No. 3633-1.)

On March 3, 1917, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Reuben B. Kelley, president of the Nuxcara Manufacturing Co., a corporation, Atlanta, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 24, 1916, from the State of Georgia into the State of Florida, of a quantity of an article labeled in part, "Nuxcara," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 11.8 per cent of alcohol by volume. The product consisted essentially of a hydroalcoholic extract of cascara sagrada, strychnine, and berberine, with small amounts of sodium, potassium, lithium, and benzoic acid and indications of licorice, myrrh, anise, and ipecac. In suspension there were small amounts of calcium carbonate and phosphate and also calcium in solution.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, appearing on the label of the bottle and carton, falsely and fraudulently represented it as a positive remedy for indigestion, dyspepsia, catarrh, bronchitis, rheumatism, neuralgia, and all diseases caused by indigestion and toxic conditions, and as a remedy for all forms of stomach trouble, for indigestion and malnutrition, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements, appearing in the booklet accompanying the article, falsely and fraudulently represented it as a cure for kidney and liver trouble, chronic appendicitis, indigestion, and dyspepsia, and as a treatment for the membranes of the stomach and intestines, when, in truth and in fact, it was not.

On November 11, 1918, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*