

7636. Misbranding of 'Fruit-a-tives.' U. S. * * * v. 75 Dozen Packages of * * * 'Fruit-a-tives.' Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 11251. I. S. No. 13137-r. S. No. E-1724.)

On September 20, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 75 dozen packages of a product called "Fruit-a-tives," remaining unsold in the original unbroken packages at Boston, Mass., consigned on September 9, 1919, alleging that the article had been shipped by Fruitatives, Ltd., Ogdensburg, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of aloin, cascara sagrada, quinine, and strychnine.

Misbranding of the article was alleged in the libel for the reason that the following statements and similar statements on the box label and included in the circular, together with the pictorial device on front of carton showing an apparatus being fed different fruits and discharging tablets, were false and misleading in that they conveyed the impression that "the laxative and healing properties" were due to fruit or fruit extracts, when, in fact, they were not: (Carton, top) "'Fruit-a-tives' 'Fruit Liver Tablets' Compound;" (carton, front panel) "'Fruit-a-tives' 'Fruit Liver Tablets' Compound 'By their fruits ye shall know them;'" (carton, right panel) "Strengthens the Stomach and Liver * * * Stimulates the Kidneys Aids in clearing the complexion Tends to purify the blood Tones up the nervous system and refreshens the whole system;" (carton, left panel) "The laxative and healing properties of fresh ripe fruit extracted by a special process, enhanced by special tonics * * *. As pleasant to take as sugared fruits * * *;" (carton, back panel) "Composition: 'Fruit-a-tives' is made from a special extract of concentrated and intensified fruit juice * * *;" (carton, bottom) "'Fruit-a-tives' 'Fruit Liver Tablets' Compound is made from the laxative, or liver principle, extracted by a special process from oranges, apples, prunes, and figs—to which tonics are added—and is a reliable remedy for Constipation and Biliousness * * *;" (sticker on cork) "Made from fresh ripe fruit." Misbranding was alleged for the further reason that the following statements appearing on the carton and box containing the article and in the circular accompanying the same, regarding the curative and therapeutic effects thereof, (carton) "Strengthens the stomach and liver * * * Stimulates the Kidneys Aids in clearing the complexion Tends to purify the blood Tones up the nervous system and refreshens the whole system * * *;" (box) "'Fruitatives' 'Fruit Liver Tablets' Compound * * * Tones and sweetens the stomach, relieves * * * biliousness, torpid liver, recurring headaches, dizziness, backache, sallow complexion * * *;" (circular) "'Fruit-a-tives' is an effective remedy made from the juices of ripe fruits with the addition of tonic—and has a distinctly remedial action on the stomach, liver, bowels, kidneys, skin and nervous system. * * * 'Fruit-a-tives' has, therefore, all the healing powers of large quantities of fruit juice and this is augmented by the action of the tonics contained in the tablets. In chronic constipation, indigestion, sleeplessness, biliousness, kidney irritation, skin diseases, headaches, backaches, pelvic pains, nervous depression and blood impurity—'Fruit-a-tives' is very beneficial and highly recommended. * * * Indigestion or dyspepsia * * * 'Fruit-a-tives' will materially

aid in relieving this disease because it tends to purify the blood by acting on the liver, bowels, kidneys and skin. * * * Biliousness * * * 'Fruit-a-tives' will tend to check this complaint quickly as it acts directly on the liver cells * * * the blood is purified; the headache is relieved, and the stomach sweetened. * * * Backache * * * 'Fruit-a-tives' acts in these cases very beneficially * * *. Headaches * * * In this trouble 'Fruit-a-tives' will tend to relieve * * *. Rheumatism * * * The action of 'Fruit-a-tives' will tend to relieve rheumatism * * * 'Fruit-a-tives' should assist very materially in removing the cause on account of its tonic and disinfectant action on the lining membrane of the intestines. In rheumatism take 'Fruit-a-tives' for some considerable time in order to give it a chance to act '* * *. Pelvic pains, or pains around the hips and back * * * In these cases * * * it is advisable to use 'Fruit-a-tives' carefully * * *. Skin disease * * * In these cases 'Fruit-a-tives' will assist very materially in bringing relief * * *. Catarrh * * * In these cases use 'Fruit-a-tives' carefully * * * it is best to use 'Fruit-a-tives' * * *," were false and fraudulent as the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it.

On November 26, 1919, the Eastern Drug Co., Boston, Mass., claimant, having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

7637. Adulteration of evaporated milk. U. S. * * * v. Aviston Condensed Milk Co., a corporation. Plea of nolo contendere to count 1 of the information. Fine, \$25 and costs. Remaining counts of information dismissed. (F. & D. No. 10284. I. S. No. 19263-p.)

On January 27, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Aviston Condensed Milk Co., St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 15, 1918, from the State of Missouri into the State of Arkansas, of a quantity of an article, labeled in part "Our Best Brand Evaporated Milk," which was adulterated.

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that the product was low in fat and solids.

Adulteration of the article was alleged in the information for the reason that an insufficiently condensed milk product, low in fat, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole for evaporated milk, which the article purported to be.

On March 17, 1920, the defendant company entered a plea of nolo contendere to the first count of the information, and the court imposed a fine of \$25 and costs. The remaining counts of the information were dismissed.

E. D. BALL, *Acting Secretary of Agriculture.*

7638. Misbranding of Bliss Native Herbs. U. S. * * * v. 84 Boxes * * * of Bliss Native Herbs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11298. I. S. No. 8304-r. S. No. C-1482.)

On September 24, 1919, the United States attorney for the Northern District of Illinois, 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 84 boxes of Bliss Native Herbs, at Chicago, Ill., alleging that