

7924. Misbranding of Her-Vo. U. S. * * * v. 38 Bottles of Her-Vo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11115. I. S. No. 15088-r. S. No. E-1677.)

On August 25, 1919, the United States attorney for the Eastern District of Pennsylvania, 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 38 bottles of Her-Vo, at Easton, Pa., consigned by the Her-Vo Mfg. Co. (Inc.), Camden, N. J., alleging that the article had been shipped on or about May 28 and 29, 1919, and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of cinchona alkaloids, strychnine, a laxative plant extract, essential oils including cinnamon, alcohol, and water.

Misbranding of the article was alleged in that the statements, designs, and devices regarding the curative and therapeutic effects of the article and the ingredients and substances contained therein, to wit, (bottle) "An Excellent General and Re-constructive Tonic of Broad Application * * * Recommended and especially designed by the manufacturers For * * * Loss of Strength. * * * Malarial Conditions, Stomach, Liver and Bowel Disorders, Rheumatism, and General Debility. Valuable in Anemia * * * Sickness, Nervous Diseases, and Sexual Excess and Weakness. For Building up the System after Heavy Colds, Fevers, Pregnancy, Nursing, Female Weakness, Change of Life, Nervous Prostration, Suppressed Menses, and for the Debility of Childhood and Old Age * * *," (circular) "* * * What is Her-Vo? It is just as is claimed, a General Tonic and a Reconstructive Tonic of broad utility and application. It is a General Tonic because it tends to tone, strengthen and return all the organs, tissues, muscles and nerves to their full, vigorous health and full normal condition, so far as this is at all possible. By 'so far as this is at all possible' we mean we cannot do much for a tubercular, for instance, whose one or both lungs are practically 'gone.' But even then it is a palliative and will do much toward alleviation, relief and perhaps prolonging life * * * it also tends to rebuild worn-out tissue, eliminates poisonous waste materials stored up in the system * * * actually promoting constructive metamorphosis * * * What Her-Vo is Recommended For Asthma Bladder Trouble Bile (Inactive) Blood Purifier Bronchial Trouble Bronchitis Catarrh (Gastric) Chronic Skin Disorders Colds Coughs Constipation (Chronic) Cramps Cystitis Digestive Derangements Dyspepsia Flesh (Flabby) Gall Bladder (Inactive) Gastric Catarrh Glandular Swellings Headaches (Frontal and Gastric) Heart Palpitation Hysteria Indigestion Intestinal Trouble Irritable Bladder Jaundice Kidney Disorders (Minor) Laryngitis Liver Torpor Malaria Nervous Irritability Night Sweats (Phthisis) Palpitation of the Heart Phthisis (Hectic of) Rheumatism (Most Forms) Scrofula Syphilis Skin Diseases Vomiting of Pregnancy * * *," were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers are led to expect by the above statements, designs, and devices, and that the above statements, designs, and devices were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On September 15, 1919, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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