

red, pure blood, accompanied by the statements, "Is your blood thin, weak, and watery, like this? It should be rich, red, and strong, like this." Similar cuts appeared on the cartons.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (Epsom salt) and water with small amounts of phosphate, salicylate, iron, quinine, strychnine, and a red coloring material.

It was alleged in substance in the libels that the article was misbranded, in that the above quoted statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

Misbranding was alleged with respect to a portion of the article for the further reason that the statement, "Fine Tonic For Children B-L, because of its great tonic properties, is especially good for children, and may be given with perfect safety as it contains no alcohol nor anything to harm the most delicate child," contained in the booklet accompanying the article, was false and misleading.

Between the dates of December 15, 1927, and January 31, 1928, the Blud-Life Co., Atlanta, Ga., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$16,200, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

- 15595. **Misbranding of Dr. Musser's capsules and Dr. Musser's red capsules.** U. S. v. 25 Boxes and 21 Boxes of Original Dr. Musser's Capsules, and 8 Boxes of Dr. Musser's Red Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22238, 22239. I. S. Nos. 16909-x, 16910-x. S. Nos. 281, 294.)

On November 30, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 46 boxes of original Dr. Musser's capsules and 8 boxes of Dr. Musser's red capsules, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the Musser-Reese Chemical Co., from Latrobe, Pa., in various consignments, on or about September 9, September 30, and November 17, 1927, respectively, and had been transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the original Dr. Musser's capsules consisted essentially of volatile oils including santal and nutmeg oils, and copaiba balsam, and that the Dr. Musser's red capsules consisted essentially of compounds of arsenic, iron, and calcium with strychnine and an extract from a laxative plant drug.

It was alleged in the libel that the articles were misbranded, in that the following statements, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Original Dr. Musser's capsules, container) "Inflammation of Kidneys and Bladder Relieved * * * if directions are followed will effect a permanent relief in every case," (circular) "Be persistent with treatment for at least two weeks following improvement. It is advisable to continue taking Dr. Musser's treatment for that length of time to insure permanent relief. * * * Dr. Musser's Capsules are possibly the best known remedy and are as prompt in their effect as possible for safety yet we do not claim that one or two boxes are always sufficient. A great mistake often made is to stop the treatment too soon. This leaves the organs tender and possibly some condition which further treatment would remove and prevent return which is more severe and stubborn to cure than the original condition. It is often quite necessary to continue the treatment for two weeks after all trouble seems to be removed. We cannot impress too strongly the good effect of combining the use of Dr. Musser's Injection, Rx 500 with the capsules. This is thoroughly an antiseptic and healing agent which expedites the cure and creates an antiseptic condition much desired. Do not use without capsules. If only one is used be sure to use capsules, but the combined treatment is time, money and inconvenience saved;" (Dr. Musser's red capsules, container) "Scientific

Remedy for all Blood Disorders," (circular) "A modern and scientific remedy which thoroughly searches out all impurities in the blood. * * * Eradicates all blood impurities from the system no matter from what cause. Eczema, Salt Rheum, Pimples and Unsightly Skin Eruptions of all kinds quickly disappear. Improves general health by toning up the system, creating a natural appetite and helping the stomach and intestines to care for the food so that best nourishment results. Help the * * * kidneys to remove waste matter."

Misbranding was alleged for the further reason that the statements, (container) "Dr. Musser's Capsules contain no harmful or dangerous drugs. Will not injure the most delicate stomach," with respect to the "Original Dr. Musser's Capsules," and (container) "Contains no Harmful Ingredients," (circular) "Contain no harmful ingredients and will not injure the most delicate stomach," with respect to the "Dr. Musser's Red Capsules," were false and misleading.

On March 1, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15596. Adulteration and misbranding of camphor in oil, quinine dihydrochloride, and quinine and urea hydrochloride ampuls, and misbranding of sodium iodide ampuls. U. S. v. The Tilden Co. Plea of guilty. Fine, \$800. (F. & D. No. 21596. I. S. Nos. 13803-x, 13804-x, 13805-x, 13806-x, 13809-x, 13814-x, 13817-x, 13819-x.)

On December 10, 1927, the United States attorney for the Southern District of New York, 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 Tilden Co., a corporation, New Lebanon, N. Y., alleging shipment by said company, in violation of the food and drugs act, in part on or about July 27, 1926, and in part on or about August 4, 1926, from the State of New York into the State of New Jersey, of quantities of camphor in oil, quinine dihydrochloride, and quinine and urea hydrochloride ampuls, which were adulterated and misbranded, and of quantities of camphor in oil concentrated, quinine dihydrochloride, and sodium iodide ampuls, which were misbranded. The articles were contained in ampuls, enclosed in cartons, and were labeled, in part, "The Tilden Company, Pharmacists and Chemists, New Lebanon, N. Y., St. Louis, Mo.," and were further labeled in part as hereinafter set forth.

Adulteration was alleged in the information with respect to a portion of the camphor in oil, portions of the quinine dihydrochloride, and the quinine and urea hydrochloride, for the reason that the strength and purity of the said articles fell below the professed standard and quality under which they were sold, in that a portion of the camphor in oil was represented to contain not more than 0.2 gram (3 grains) of camphor per millimeter, whereas it contained more than said amount, to wit, 0.255 gram (3.93 grains) of camphor per milliliter; a portion of the quinine dihydrochloride was represented to contain 0.25 gram (3¾ grains) of quinine dihydrochloride per milliliter, whereas it contained less than said amount, to wit, 0.117 gram (1.8 grains) of quinine dihydrochloride per milliliter; regarding a portion of the said quinine dihydrochloride it was represented that each ampul contained 1½ mils of a solution of quinine dihydrochloride, and that each of said 1½ mils contained 0.5 gram (7½ grains) of quinine dihydrochloride, whereas a portion of said ampuls each contained less than 1½ milliliters of a solution of quinine dihydrochloride, and each 1½ milliliters of said solution contained less than 0.5 gram (7½ grains) of quinine dihydrochloride, to wit, approximately 0.35 gram (5.4 grains) of quinine dihydrochloride; a portion of the quinine and urea dihydrochloride was represented to contain 0.45 gram (7 grains) of quinine and urea hydrochloride per cubic centimeter, whereas it contained less than said amount, to wit, approximately 0.153 gram (2.36 grains) of quinine and urea hydrochloride per cubic centimeter; and the remainder of the said quinine and urea hydrochloride was represented to contain 0.324 gram (5 grains) of quinine and urea hydrochloride per ampul, whereas it contained less than said amount, to wit, not more than 0.19 gram (2.9 grains) of quinine and urea hydrochloride per ampul.

Misbranding was alleged with respect to a portion of the solution camphor in oil for the reason that the statement, to wit, "1 Mil (16 Min.) Sterilized Solution Camphor in Oil Each Mil Contains Camphor 0.2 Gm. (3 Grs.)," borne on the carton containing the ampuls, and the statement, to wit, "1 Mil * * *