United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16401–16425

[Approved by the Secretary of Agriculture, Washington, D. C., November 19, 1929]

16401. Misbranding of Lunge Heala. U. S. v. 30 Gross, et al., of Lunge Heala. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23382. I. S. Nos. 03287, 03293, 03294. S. No. 1509.)

On February 13, 1929, the United States attorney for the Middle 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 praying seizure and condemnation of 30 gross packages and 3,898 dozen bottles of Lunge Heala, remaining in the original unbroken packages at Lehighton, Pa., alleging that the article had been shipped by the Norwich Pharmacal Co., from Norwich, N. Y., in various consignments, on or about October 29, 1928, and February 1 and February 5, 1929, respectively, and transported from the State of New York 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 this department showed that it consisted essentially of ammonium, calcium, sodium, potassium, and phosphorus compounds, chlorides, tar, traces of menthol and chloroform, extracts of plant drugs including wild cherry, sugar, alcohol, water, and aromatic substances.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said articles, (label) "Lun-Ge Hea-La * * * Lunghealer Invaluable in Coughs, * * * Bronchitis, Bronchial Asthma, Whooping Cough and Spasmodic Croup * * * If cough is hard, frequent and dry take one teaspoonful every hour until relieved. * * * For Croup in children," (shipping carton) "Lun-Ge Hea-La," (display poster) "Lun-Ge Hea-La," (circular) "(Lung Healer) Dr. White's Lun-ge Hea-la is * * * The Greatest for Coughs * * * and Whooping Cough. * * * where the cough * * * has settled on the chest, you will find Dr. White's Lun-ge Hea-la will give quick relief. Dr. White's Lunge Hea-la is such a wonderful Cough Medicine and Tonic that it would be impossible to tell it all in this small space. It can only be proven by its use in any kind of Bronchial Troubles. Dr. White's Lun-ge Hea-la is also a wonderful Restorative Tonic, to be used after the Cough * * * to build the system up again. * * * Dr. White's Lun-ge Hea-la * * * [Testimonials] * * * our youngsters had the whooping cough and one of them was so bad he had convulsions. The only thing that stopped, it was Dr. White's Lun-ge Hea-la. * * * It saved one of our youngsters' lives as he was in terrible shape until we started to give him the Dr. White's Lun-ge Hea-la. * * * Having suffered from a terrible chronic cough for a long time without relief I want to say that two bottles of Dr. White's Lun-ge Hea-la gave me such quick relief that I am convinced that Dr. White's Lun-ge Hea-la and other Dr. White's Remedies are the best for every family to use. I had an awful bad cough * * * A fellow railroader advised me to try Dr. White's Lun-ge Hea-la * * * it surely helped me, * * * can now take my rest without being bothered with a cough, thanks to Dr. White's Lun-ge Hea-la; which I will always keep in my home. * * * My little girl had the measles and they left her with a very bad cough * * * we saw an advertisement of Dr. White's Lun-ge Hea-la so we bought a bottle and gave her some. She started to feel better from the

very first dose and soon she was entirely rid of the cough. Since then whenever any of our children cough or complain about a cold I just give them a little dose of Dr. White's Lun-ge Hea-la and that ends the cough. * * * We have had wonderful results from using Dr. White's Lun-ge Hea-la. I have used many different cough medicines but never found one like Dr. White's. Our little boy suffers from Bronchial trouble. * * * but a few doses of Dr. White's Lun-ge Hea-la fixes him up very quickly. * * * Our 4-year-old daughter was down with whoop.ng cough and croup for about 4 weeks and * * * I got a bottle of Dr. White's Lun-ge Hea-la and after using about a bottle and a half you would be surprised to see how quick she got better—it was just like magic * * * Dr. White's Lun-ge Hea-la is positively the best med cine for Croup and Coughs and * * * that I ever knew. * * * I was suffering from a very severe Cough * * * Dr. White's Lun-ge Hea-la * * * gave me the quickest relief that I ever got from any medicine * * * Dr. White's Lun-ge Hea-la is the best of all Cough Medicines. * * * I caught an awful hard cough * * * It took three bottles to cure me * * * My father also had a bad cough but one bottle of Dr. White's Lun-ge Hea-la fixed him up all right. * * * I contracted a severe cough * * * Two bottles relieved me entirely * * * Dr. White's Lun-ge Hea-la helped me to get rid of a * * * cough that had hung on me all winter. * * * I got rid of cough * * * before I had used more than half of the second bottle of Dr. White's Lun-ge Hea-la. * * * I have been troubled with bad coughs which kept me awake at night. * * * I bought a bottle * * * and what a wonderful relief after the first few doses. I had only taken one bottle and my cough was entirely gone," were false and fraudulent in that the articles contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On February 19, 1929, the First National Laboratories (Inc.), Lehighton, Pa., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of $5,000, conditioned in part that it should not be disposed of until relabeled in manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16402. Adulteration and misbranding of citrate magnesia. U. S. v. Michael Meisel, Benjamin Mones, and Lewis J. Mones (Philadelphia Magnesia Co.). Pleas of nolo contendere. Fine, $50. (F. & D. No. 23717. I. S. No. 14743-x.)

On May 27, 1929, 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 an information against Michael Meisel, Benjamin Mones, and Lewis J. Mones, copartners, trading as Philadelphia Magnesia Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the food and drugs act, on or about February 29, 1928, from the State of Pennsylvania into the State of New Jersey, of a quantity of citrate magnesia which was adulterated and misbranded. The article was labeled in part: (Bottle cap) "Citrate Magnesia U. S. P. IX," (blown in bottle) "Solution Citrate Magnesia."

Analyses of samples of the article by this department showed that they contained magnesium citrate corresponding to not more than 1.45 grams of magnesium oxide per 100 cubic centimeters, acidity corresponding to not more than 5.99 cubic centimeters of half normal sodium hydroxide per 10 cubic centimeters, and total citric acid corresponding to not more than 19.89 cubic centimeters of half normal sulphuric acid per 10 cubic centimeters of solution.

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation of the article in that it contained magnesium citrate corresponding to less than 1.5 gram of magnesium oxide per 100 cubic centimeters, acidity corresponding to