

17315. Misbranding of Improved bronchial lozenges. U. S. v. 60 Cartons of Improved Bronchial Lozenges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24613. I. S. No. 026569. S. No. 2961.)

On March 11, 1930, 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 praying seizure and condemnation of 60 cartons of Improved bronchial lozenges, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Parke, Davis & Co., from Detroit, Mich., on or about August 23, 1929, and transported from the State of Michigan 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 by this department showed that it consisted essentially of glycyrrhiza, capsicum, sugar, and volatile oils including oil of anise.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Improved Bronchial Lozenges * * * for the alleviation of bronchitis * * * soreness of the throat, * * * cough, asthma and similar disorders of the throat and lungs * * * one or two of the lozenges will give immediate relief;" (circular) "Improved Bronchial Lozenges For the alleviation of Bronchitis * * * irritation or soreness of the throat, * * * cough, asthma and similar disorders of the throat and lungs * * * one or two of the lozenges will give immediate relief." (Similar statements in Spanish, German, French, Italian, Yiddish, Polish, Bohemian, and Hungarian.)

On April 25, 1930, Parke, Davis & Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17316. Misbranding of Womanette. U. S. v. 21 Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24255. I. S. No. 020019. S. No. 2479.)

On November 16, 1929, the United States attorney for the Western District of Tennessee, 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 21 bottles of Womanette at Memphis, Tenn., alleging that the article had been shipped by the Vicksburg Chemical Co., from Vicksburg, Miss., on or about October 25, 1929, and transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act. Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, potassium bromide, sugar, alcohol, and water.

The article was labeled in part: (Wrapper, bottle label, and circular) "Womanette * * * Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are * * * Tonic and Nervine. Its tendency is to blunt nervous susceptibility and equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature. * * * Irregular, Obstructed and Painful Menstruation, Vaginal and Uterine Leucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb, Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc."

It was alleged in the libel that the article was misbranded in that the labels bore false statements of curative and therapeutic effects.

On April 14, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*