

conditions or diseases: "Rheumatism, kidney trouble, stomach trouble, high blood pressure, asthma, heart trouble, liver swelling, bowels swelling, paralysis, bladder trouble, indigestion, soreness in the bowels, neuralgia, enlargement of the spleen, neuritis, pellagra, flu, influenza, chills and fever, female troubles, nephritis, weak kidneys, tuberculosis, swollen leg, pleurisy, scrofula, acute indigestion, Bright's disease, night sweats, tonsillitis, constipation, chills, malaria, consumption, appendicitis, gall stones and gravels, milk leg, hemorrhage of the lungs, cough, catarrh, yellow jaundice, menstruation, urinary trouble, pain in the head, back and shoulders, breaking out of the hands, arms and body and splotches of the face, body swelling, general breakdown, catches in the back and shoulders, affliction of the lower limbs, sores, pain in the left side and breast and under shoulder blades, pain over the kidneys, noncirculation of the blood, loss of health, bad health, rundown condition, aches and pains, all kinds of disease and sickness, trouble and pain, bedfastness, and to Save Life."

On September 11, 1929, 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.*

17473. Misbranding of Larkin cold and grippe tablets. U. S. v. 1 Box and 5 Boxes of Larkin Cold & Grippe Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23688. I. S. No. 08410. S. No. 1872.)

Examination of samples of a drug product known as Larkin cold and grippe tablets having shown that the product contained drugs that might be dangerous, that the quinine contained therein would have the customary effects of quinine, and that the labels bore curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Illinois.

On May 8, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 box containing 140 packages, and 5 boxes each containing 148 packages of Larkin cold and grippe tablets, remaining in the original packages at Peoria, Ill., alleging that the article had been shipped by the Larkin Co. (Inc.), from Buffalo, N. Y., in various consignments, on or about December 14, 1928, January 12, 1929, and February 15, 1929, respectively, and had been transported from the State of New York into the State of Illinois, 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 the tablets contained acetanilide, quinine hydrobromide, monobromated camphor, caffeine, and extracts of laxative plant drugs including aloin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the box labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Larkin Cold and Grippe Tablets * * * are absolutely safe * * * They contain quinine hydrobromide which has all the * * * qualities of quinine without causing the undesirable effect of ringing in the head;" (box) "Grippe Tablets * * * grippe and coughs * * * relief for * * * Grippe, Coughs * * * Aching Limbs;" (circular) "Grippe Tablets for Relief of * * * Grippe * * * start taking these tablets. They will * * * ward off or relieve an attack of grippe within a few days. For relief * * * feverish conditions that usually accompany * * * grippe; they relieve the aching and soreness of the flesh; * * * and have a beneficial effect upon the urinary tract. * * * and tend to relieve cough if any is present. * * * They tend to relieve sour stomach and dyspepsia. * * * Benefit the Urinary Tract In * * * grippe conditions the urinary functions are usually disturbed, and there is a possibility of a resulting bad effect upon the urinary tract. Larkin Cold and Grippe Tablets * * * have beneficial * * * effect upon the urinary tract."

The charges recommended by this department were that the article was misbranded in violation of section 8, general paragraph of the act, in that the following statements from the circular, "Larkin Cold and Grippe Tablets * * * are absolutely safe, * * * They contain quinine hydrobromide

which has all the qualities of quinine without causing the undesirable effect of ringing in the head," were false and misleading, and that the remainder of the above-quoted statements were false and fraudulent.

On March 21, 1930, the Larkin Co., of Illinois, 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 \$300, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17474. Misbranding of bromo-aspirin. U. S. v. 9½ Dozen Packages of Bromo-Aspirin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23634. I. S. No. 08701. S. No. 1713.)

Examination of samples of a drug product known as bromo-aspirin having shown that it contained no bromine or bromides, and did contain aspirin, a coal-tar derivative; that the aspirin contained therein would have the customary effects of aspirin; and that the labels bore certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On May 28, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9½ dozen packages of bromo-aspirin, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Taylor Medicine Co. (from Tampa, Fla.), on or about January 3, 1929 (December 3, 1928), and transported from the State of Florida into the State of Georgia, 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 the tablets contained acetylsalicylic acid and caffeine, but neither bromine nor bromide.

It was alleged in the libel that the article was misbranded in that the following statements, borne on the carton label and in the accompanying circular, were false and misleading: (Carton and circular) "Bromo Aspirin;" (carton) "Does Not Upset The Stomach;" (circular) "The safety of * * * Bromo Aspirin * * * physicians, dentists and druggists can recommend it because of its safety. Even people who * * * cannot take coal tar derivatives * * * or plain Aspirin at all, find * * * Bromo-Aspirin * * * a * * * relief * * * with no disagreeable or burning sensation in the stomach, or feeling of weakness. * * * Bromo Aspirin * * * that will not depress the heart action, * * * For more than ten years, * * * Bromo-Aspirin has been known as 'The Kind that does Not depress the Heart.'" Misbranding was alleged for the further reason that the following statements appearing in the labeling of the said carton and circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, 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 that the article was composed of and contained ingredients and medicinal agents effective for causing and producing the effects claimed: (Carton) "For * * * Fevers, La Grippe, Rheumatism, * * * 'Fine for that tired feeling;" (circular) "Physicians explain that severe * * * rheumatism, neuralgia, grippe, flu and fevers are * * * attended by a weakness of the heart action, and require stimulation * * * The safety of * * * Bromo-Aspirin should give it preference * * * for * * * cases where headaches are caused by periodic pains. * * * for * * * all kinds of pains, * * * Bromo-Aspirin helps to improve the circulation and makes you feel comfortable and rested when tired. There are times when women especially need a remedy * * * to stop * * * back-aches and periodic pains. Bromo Aspirin * * * stops the pains and protects the heart action."

On June 22, 1929, 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.*