

shipped by the First Texas Chemical Manufacturing Co., Dallas, Tex., on or about May 25, 1929, and had been shipped from the State of Texas into the State of Louisiana, and charging adulteration and 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 quinine sulphate (3.37 grains per fluid ounce), extracts of plant drugs including a laxative drug, small amounts of sodium benzoate and arsenic and iron compounds.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (bottle label) "Each fluid ounce represents \* \* \* Quinine Sulphate 8 gr.," whereas the strength of the said article fell below such professed standard.

Misbranding was alleged for the reason that the statement on the bottle label, "Each fluid ounce represents \* \* \* Quinine Sulphate 8 gr.," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: "Mal-A-Tol is a valuable preparation in the treatment of acute and chronic malaria. \* \* \* stimulating the action of the liver, increasing urinary secretions and the elimination of uric acid. Directions.—For Chills, Fever and Malaria, 1 tablespoonful every 4 hours; children from 1 to 2 teaspoonfuls or as directed by physician.

On September 17, 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.*

**17629. Misbranding of Alertox. U. S. v. 15 Bottles of Alertox. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24771. I. S. No. 038381. S. No. 3130.)**

An examination of a sample of a drug product known as Alertox having shown that the labels bore claims of curative and therapeutic effects which the article was unable to produce, the Secretary of Agriculture reported to the United States attorney for the Eastern District of South Carolina that a quantity of the product was located at Columbia, S. C., from the herein described interstate shipments.

On May 20, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 bottles of Alertox, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by Alertox (Inc.), from Atlanta, Ga., in part on February 1, 1930, and in part on May 5, 1930, and had been transported from the State of Georgia into the State of South Carolina, 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 magnesium sulphate, sodium phosphate, and water.

It was alleged in the libel that the article was misbranded in that the following statements borne on the bottle label and in the accompanying booklet, 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: (Bottle label) "Alertox equals Physical Fitness plus Mental Efficiency;" (booklet attached to bottles by means of a rubber band) "Alertox equals Physical Fitness plus Mental Efficiency. [p. 2.] \* \* \* very frequently nature is overtaxed, either through improper diet, overeating, or occasionally from some foreign substance entering the stomach, and it is during such conditions that nature, as hard as it tries, cannot cope with the tremendous amount of overwork necessary to eliminate these excess accumulations of putrid matter. [p. 3] So, you may easily understand that when this condition comes about, these thousands of little folds and crevices cannot help but become clogged with undigested food matter, and, undigested food matter remaining in these folds, soon becomes decayed and throws off violent poisons, which, through the blood stream, find their way into the entire system. These poisons, being disseminated by the various organs of the body, usurp a tremendous amount of nerve, brain and muscle energy; therefore, languidness, which is a sluggish, dull and no-energy feeling, is always a warning that nature needs assistance.

Nature does its best to maintain a germ-free system for you, but a continuous over-taxing will soon break down the most rugged resistance, and, in time, induce serious illness. You can keep your system clear of this dangerous condition by simply aiding nature to sweep away the accumulation of poisons; \* \* \* encourage the liver to become more active. To clear away this clinging refuse matter \* \* \* there is nothing better than a good \* \* \* saline eliminant. [p. 4] Alertox \* \* \* one of the most effective \* \* \* saline eliminants \* \* \* Alertox, by reason of its slight accumulative action, may be used in decreasing doses until a normal condition is restored. The regular use of Alertox before breakfast induces healthy elimination, with a tendency to maintain the liver, kidneys and bowels in their normal working order, insuring good health day in and day out. \* \* \* Alertox as an aid in the treatment of numerous ailments, and as a general health preserver, [p. 5] \* \* \* especially valuable in the treatment of many ailments \* \* \* clearing the stomach and intestinal tract of toxic poisons \* \* \* the regular use of Alertox will insure a proper hygienic condition of the alimentary tract, thus preventing diseases that might otherwise develop from the absorption of accumulated stagnant waste matter. [p. 7] \* \* \* Flushing the system thoroughly with a good liquid saline product is the safest and the most effective method of treating any form of constipation. Take Alertox as follows \* \* \* [p. 8] Biliousness. Biliousness—or toxemia, \* \* \* is simply a condition denoting an abundance of systemic poisons. The liver is supposed to prevent this condition, but where there is actual constipation, wrong eating, drinking or irregular habits, the liver becomes overtaxed, thereby allowing more poison to accumulate in the system than is thrown off. Biliousness if allowed to continue, almost invariably brings on some kind of illness and no time should be lost in coming to the aid of nature with some safe, efficient and reliable eliminant. It is best to treat this condition over a period of two or three days, than to simply take some violent, one-day treatment, for such treatments seldom do more than partially clear up the poisons that have accumulated. Take Alertox as follows: \* \* \* [p. 9] Indigestion \* \* \* Alertox \* \* \* Keep the stomach sweet and the system alkaline. \* \* \* In acute attacks \* \* \* Chronic cases, \* \* \* For the 'Morning After.' When you wake up the morning after the night before, with a sluggish body, cobwebby brain and aching head, take two teaspoonfuls of Alertox in a full glass of water, and in 30 minutes you'll feel a most delightful sensation of returning physical and mental vigor, and that raging headache will be gone. Try it and see! [p. 10] High Blood Pressure. High blood pressure is both functional and organic, often produced by over-eating or mental strain, while constipation and biliousness are both underlying causes. In either case Alertox while not designed to supplant the physician, will, through a process of elimination, thoroughly cleanse the system of its impurities and tends to reduce pressure in the veins and arteries by carrying out through the intestinal tract, excess water in the system which the sweat glands have failed to secrete. Some of the symptoms of high blood pressure are, dizziness, headaches, palpitation, languidness and so on, and if you have noted any of these symptoms with yourself, don't delay starting the Alertox treatment, beginning with two teaspoonfuls in a full glass of water before breakfast. Do this regularly for several days, then reduce the usage or frequency as your condition may warrant. After a few doses you will note a decided improvement in your condition, because Alertox removes, in one action, more poison bile from the system than any known formula, leaving you buoyant, vivacious and alert. [p. 11] \* \* \* Alertox \* \* \* the most fitting laxative for nursing mothers, keeping, as it does, the milk free from toxic poisons and strengthening it by dispelling its watery content, thus allowing baby to get rich, pure and wholesome breast milk, which is so necessary to baby's health and growth. [p. 12] How to Keep in Good Health \* \* \* the human body is nothing more or less than a machine \* \* \* and unless you keep it thoroughly cleansed of stagnant, waste matter you cannot, must not, expect it to run smoothly and function perfectly. How often do you take the time and trouble to flush your bowels and kidneys—unless you feel badly? [p. 13] Never! You wait until you are practically down and out, then you are physically and mentally out of commission for several days—laid up for repairs. If you want to keep well, enjoy life while you are living and actually live longer, simply take the ordinary precautions with your body that you would take with any other piece of machinery—keep a bottle of Alertox in your medicine cabinet, and every

morning or so take from one to two teaspoonfuls \* \* \* You may not feel the need of it right then—it may look foolish for a perfectly well human being to 'dose up'—but it is the only safe, sure road to perfect health that isn't marred by detours. Try it any way, and if you will, you have our guarantee, backed by reliable chemical and medical authority, that a new day of health has dawned for you. [p. 14] Simple Directions for Bewitching Beauty. If you really want a smooth, rosy, velvety complexion, you must begin at the very foundation by eliminating from the system that long accumulation of contamination. \* \* \* Take just one teaspoonful of Alertox, in a full glass of water, drinking as a beverage, before breakfast every morning. \* \* \* you will have a far more beautiful complexion, \* \* \* [p. 15] \* \* \* that is not all Alertox accomplishes—while it is clearing up your complexion it is, at the same time, improving your health by putting your entire system to rights, so:—you will not only look better, but you will feel better, too! Try this, for your complexion's sake."

On July 21, 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.*

**17630. Misbranding of Vapo Ply, Hoyt's cold tablets, and Hoyt's catarrhal jelly. U. S. v. 7 Packages of Vapo Ply, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24857, 24858, 24859. I. S. Nos. 028285, 028286, 028287. S. No. 3189.)**

The labels of drug products known as Vapo Ply, Hoyt's cold tablets, and Hoyt's catarrhal jelly having been found to contain claims of curative and therapeutic effects that the articles were unable to accomplish, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Pennsylvania, the herein described interstate shipments of products.

On June 26, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 7 packages of Vapo Ply, 23 packages of Hoyt's cold tablets, and 20 packages of Hoyt's catarrhal jelly, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Hoyt Bros. (Inc.), Newark, N. J., alleging that the articles had been shipped from Newark, N. J., into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Hoyt's Vapo-Ply consisted essentially of an ointment with a petrolatum base containing volatile oils including camphor, menthol, eucalyptol, thymol, and methyl salicylate; Hoyt's cold tablets contained acetanilide, quinine sulphate, aloin, capsicum, and camphor; and Hoyt's catarrhal jelly consisted essentially of petrolatum containing camphor, menthol, and eucalyptus oil.

It was alleged in the libels that the articles were misbranded in that the following statements appearing on the labels, regarding the curative and 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: (Vapo Ply, carton) "Relief in Asthma, Influenza, Catarrh \* \* \* Croup, Sore Throat, Whooping Cough, Muscular Rheumatism \* \* \* Chilblains;" (Vapo-Ply, jar label) "Acute Bronchitis, Influenza, Congestion of the Lungs;" (cold tablets, carton) "Hoyt's Cold Tablets for recent \* \* \* Coughs, Influenza, etc.;" (catarrhal jelly, carton) "Hoyt's Catarrhal Jelly. Keep Your Nose and Throat Antiseptically Clean \* \* \* Coughs \* \* \* Influenza, La Grippe, and kindred affections;" (catarrhal jelly, tube label) "Hoyt's Catarrhal Jelly for Nasal Catarrh."

On September 16, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17631. Misbranding of Dr. Fenner's St. Vitus dance medicine. U. S. v. 14 Bottles, et al., of Dr. Fenner's St. Vitus Dance Medicine. Default decrees of condemnation and destruction. (F. & D. Nos. 24919, 24920, 24921. I. S. Nos. 027123, 5651, 5652. S. Nos. 3235, 3257, 3258.)**

Examination of samples of a drug product known as Dr. Fenner's St. Vitus dance medicine, from the herein described interstate shipments, having shown that the label and circular bore claims of curative and therapeutic effects that the article was unable to accomplish, the Secretary of Agriculture reported