

the article had been shipped by Gray's Medicine Co., South Bend, Ind., June 21, 1930, and transported from the State of Indiana 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 it consisted essentially of potassium iodide, extracts of plant drugs including a laxative drug, volatile oils including sassafras oil and methyl salicylate, isopropyl alcohol (3.58 per cent), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label, of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative or the therapeutic effects of the said article, appearing on the bottle and carton labels, (bottle) "A Splendid * * * System Purifier," (carton) "Builder of Strength for the Entire Family. Nature's Own Restorative * * * System Purifier, A Splendid System Purifier. * * * Recommended for Rheumatism, Stomach, Kidney, Liver and Impure Blood," were false and fraudulent in that the said statements were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was composed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein.

On October 8, 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.*

17787. Adulteration and misbranding of Nuremedy. U. S. v. 23½ Dozen Cartons of Nuremedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24596. I. S. No. 037826. S. No. 2912.)

Examination of the samples of a drug product known as Nuremedy from the herein-described interstate shipment having been found to contain less acetphenetidin than represented; that the label failed to bear a statement that acetphenetidin is a derivative of acetanilide; that the labels bore misrepresentations of its effect on the stomach and heart and further bore certain curative and therapeutic claims that were not justified by its composition, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On March 8, 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 23½ dozen cartons of Nuremedy, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped by the Central Laboratories Co., from Mount Vernon, Ill., on or about February 12, 1930, and had been transported from the State of Illinois into the State of Missouri, 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 the tablets contained acetphenetidin (1.14 grains per tablet), acetylsalicylic acid, caffeine, and starch.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton) "Each tablet contains 1½ grs. acetphenetidin," whereas the strength of the article fell below such professed standard.

Misbranding was alleged for the reason that the statements, (carton label) "Guaranteed to contain no Acetanilid," and the further statement in the circular, "Nuremedy contains no acetanilid," were false and misleading in that they represented that the article contained no ingredient or combination of ingredients with the effect of acetanilide, whereas it contained acetphenetidin, a derivative of acetanilide, which has the same effect as acetanilide. Misbranding was alleged for the further reason that the statement on the carton label, "Each tablet contains 1½ grs. acetphenetidin," and in the circular, "Does not disturb the stomach * * * Does Not Affect The Heart," were false and misleading. Misbranding was alleged for the further reason that the package failed to bear a plain and legible statement on the label of the quantity of acetphenetidin contained therein, since the quantity stated was not correct, the declaration was inconspicuous, was partly obscured by over-

printing, and did not include a statement to the effect that acetphenetidin is a derivative of acetanilide. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the label were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Retail carton) "Recommended for * * * Neuralgia. Rheumatism * * * LaGrippe and Influenza Pains. * * * Neuralgia * * * Rheumatism and Gout * * * LaGrippe * * * Fevers and Chills * * * Influenza and Neuritis Pains;" (display carton) "Recommended for * * * Neuralgia, Rheumatism * * * La Grippe and Influenza Pains;" (circular) "Nuremedy is a scientific combination of valuable ingredients for the speedy relief of * * * Neuralgia, Neuritis, Rheumatism, Rheumatic Pains, Sciatic Pains * * * Fever, La Grippe and Influenza Pains * * * when used according to directions knock aches and pains for a Row of Ash-Cans! * * * Get Instant Relief. * * * Prevent Pneumonia with its often fatal results. Nuremedy if taken in time (the cold stage) often prevents serious illness * * * With its Quicker action it is of particular value in Headaches of the habitual type, more especially those due to Difficult and Painful Menstruation, nervous condition, hysteria, mental exhaustion from over-work, also eye-strain. * * * For any Pain use Gibb's Nuremedy. * * * Directions for Use * * * Toothache Earache * * * Fever, La Grippe, Chills and Influenza Pains, Backache, Lumbago, Rheumatic Pains * * * Periodic Pains * * * Sore Throat Gargle."

On September 9, 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.*

17788. Misbranding of D-O-D Specific No. 3. U. S. v. 7 Cans of D-O-D Specific No. 3. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24648. I. S. No. 033465. S. No. 2898.)

Examination of a drug product known as D-O-D Specific No. 3 from the herein-described interstate shipment having shown that the labels bore claim of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 29, 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 seven cans of D-O-D Specific No. 3, alleging that the article had been shipped by the C. Nelson Smith Co. (Inc.), from Milwaukee, Wis., January 27, 1930, and had been transported from the State of Wisconsin 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 it consisted essentially of a mixture of magnesium sulphate, sodium bicarbonate, potassium permanganate, and a small proportion of charcoal.

It was alleged in the libel, among other allegations, that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the tin container and in the accompanying circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container) "For Sore Throat, Stomach and Bowel Troubles. * * * For gangrene * * * barber's itch, * * * cholera morbus, colic, * * * sores, eczema, hives, * * * other skin diseases;" (circular) "Gangrene * * * [testimonials] Affidavit * * * My case was a diabetic gangrene of the most aggravated kind. The disease had progressed all over one foot, to one and a half inches above the ankle * * * use D-O-D. The first treatment gave immediate and great relief. Now, after using D-O-D for three months, I am in perfect condition. My foot does not ache and the gangrene has entirely disappeared. * * * Affidavit. July 12, 1917, I made affidavit that I had been cured of diabetic gangrene by the use of D-O-D only. * * * I believe D-O-D properly applied and directions closely followed will cure any case of diabetic gangrene. * * * Affidavit. On the 27th day of February, 1921, a diabetic abscess developed on my right foot and gangrene followed immediately, * * * Then gangrene developed on the other foot and was making rapid progress when * * * D-O-D that will cure gangrene. I was skeptical * * * Well I tried it and in three