

**17945. Misbranding of U-Ta-Ka Indian tonic. U. S. v. 17 Bottles of U-Ta-Ka Indian Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25169. I. S. No. 19654. S. No. 3422.)**

Examination of a drug product, known as U-Ta-Ka Indian tonic, from the herein-described shipment having shown that the labels represented the article to possess certain curative and therapeutic properties which it did not possess, also that it was represented to be an Indian remedy and to be made from herbs, roots, barks, and berries, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On or about September 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 bottles of U-Ta-Ka Indian tonic at Rosebud, Tex., alleging that the article had been shipped by the National Medicine Co., from Nashville, Tenn., on or about May 3, 1930, and had been transported from the State of Tennessee into the State of Texas, 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, extracts of plant drugs including a laxative drug, sodium benzoate, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements, "The Great Indian Medicine," "Indian Tonic," and the design of an Indian, appearing upon the labeling, were misleading, since the article contained drugs unknown to the Indians; and for the further reason that the statement upon the carton wrapper, "Made of herbs, roots, barks and berries," was false and misleading. Misbranding was alleged for the further reason that the following statements borne on the bottle label and carton wrapper, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Highly recommended for disorders of the stomach, kidneys, blood such as indigestion and nervous run down condition, loss of appetite, weak back, and pains through the body." (carton wrapper) "For the stomach, kidneys, liver and blood \* \* \* Tonic \* \* \* Recommended for the stomach, liver, kidneys, and blood, such as indigestion, dyspepsia, \* \* \* piles, catarrh of the stomach, rheumatism, nervous, run-down system, weak back, pains throughout the body, blind or dizzy spells, loss of appetite, etc. \* \* \* It is a good preparation for all such troubles and complaints such as indigestion \* \* \* nervous run-down condition, weak back, pains through the body, etc."

On December 13, 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.*

**17946. Misbranding of Osmo Kaolin. U. S. v. 27 Packages of Osmo Kaolin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25648. I. S. No. 5738. S. No. 3914.)**

Examination of samples of an alleged drug product, known as Osmo Kaolin, from the herein-described lot having shown that the labels bore claims 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 District of Porto Rico.

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 packages of Osmo Kaolin at San Juan, P. R., alleging that the article was being offered for sale and sold in Porto Rico, by J. M. Blanco (Inc.), San Juan, P. R., 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 of clay.

It was alleged in the libel that the article was misbranded in that the following statements appearing upon the label, 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: "Internal \* \* \* is invaluable in the treatment of disorders arising from intestinal infections by bacteria, the toxins of which it has the power of absorbing to a remarkable degree. In this manner the elimination of these

toxins is readily, quickly and safely accomplished without harm to the system. It has been successfully used in the treatment of dysentery, cholera, diarrhoea, ulcerative colitis, rheumatism and gout, and in intestinal stasis with its resulting toxæmias. \* \* \* is employed in the preparation of Cataplasmata, to remove oedema, relieve the pain and swelling of local inflammation, etc. In its dry state it is used to absorb irritant discharge."

On February 4, 1931, 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.*

**17947. Misbranding of Pronto. U. S. v. 18 Bottles, et al., of Pronto. Default decrees of destruction entered. (F. & D. Nos. 25144, 25145. I. S. Nos. 6363, 6374. S. Nos. 3403, 3404.)**

Examination of samples of a drug product, known as Pronto, from the herein-described shipments having shown that the labeling represented it to possess certain curative, therapeutic, and germicidal properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Alabama.

On or about October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 50 bottles of Pronto at Mobile, Ala., alleging that the article had been shipped by the National Drug Products (Inc.), from Albany, Ga., in part on or about January 7, 1929, and in part on or about January 21, 1929, and had been transported from the State of Georgia into the State of Alabama, 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 free ammonia (0.07 per cent), ammonium salicylate, antimony and potassium tartrate, extracts of plant drugs including glycyrrhiza and a laxative drug, glycerin, sugar, and water, flavored with lemon oil.

It was alleged in the libel that the article was misbranded in that the statement appearing in the circular accompanying the said article, "Through this remedy your greatest health-enemies ( \* \* \* grippe and flu germs) have been inactivated," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the bottle and carton labels and in the circular, were false and fraudulent, since the article did not have the curative or therapeutic values claimed: (Bottle) "Grippe \* \* \* Coughs \* \* \* Sore Throat;" (carton) "Grippe \* \* \* Coughs \* \* \* Sore Throat \* \* \* Chronic Constipation. \* \* \* valuable in \* \* \* Bronchitis, Sore Throat and Hoarseness. \* \* \* any one with a sensitive throat, will find this preparation \* \* \* help in keeping the throat in the pink of condition;" (circular) "Grippe. This disease is so akin to Flu that we recommend the same treatment; that is, two teaspoonfuls every hour and a half to two hours until relief is felt, \* \* \* Flu \* \* \* Coughs \* \* \* Sore Throat \* \* \* Bronchitis \* \* \* Use as a gargle and swallow. Use in this manner until relief is obtained, \* \* \* Whooping Cough: Notice the patient so you can tell about what time the coughing spell is coming on and just before each coughing spell give one to two teaspoonfuls. Croup \* \* \* begin administering Pronto as follows: Children six years and under, half teaspoonful every thirty minutes to an hour until relieved. Children above six years of age, one to two teaspoonfuls. Continue until relieved, then \* \* \* Asthma: In cases of asthma, use the same directions as above given for bronchitis sufferers. Neuralgia: Take two teaspoonfuls every one or two hours until relief is obtained. \* \* \* Indigestion \* \* \* Constipation: Chronic \* \* \* Female Pains: Two teaspoonfuls every three or four hours, preceding the symptoms of the pains if possible. How To Get The Best Results With Pronto \* \* \* The first few doses of Pronto are going to make you feel better—much better—but our advice is to keep up the treatment until the medicine has had the opportunity to thoroughly repair the damage to your system before thinking of leaving it off. The average sickness is not instantaneous, but the result of a gradual weakening or breaking down of the system which has been going on over a period of days, weeks or months, and it is not logical to assume that such condition can be corrected in a day or so. Immediate relief can be expected, but it requires time and treatment to put the depleted system back to its normal, germ-resisting powers. \* \* \* take two or three bottles if