

On May 15, 1931, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 21 bottles of Spasmoline, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Spasmoline Co., McComb, Ohio, on or about September 12, 1930, and had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Spasmoline by this department showed that it consisted essentially of castor oil (28 per cent by volume), extracts of plant drugs including ipecac, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements in the circular, "It is perfectly safe at all times," and "In no case will it disorder the baby's stomach," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Spasmoline for the Relief of Coughs, Whooping Cough, Spasmodic Croup, * * * Directions. * * * If the child is not completely relieved in fifteen minutes, repeat the dose. For Cough, Whooping Cough * * * repeating in two or three hours, as the case demands. Spasmoline * * * Spasmoline Co.;" (carton) "Spasmoline * * * Instant Relief Acknowledged To Be The Best Remedy Ever Produced For Croup, Cough, Whooping Cough and all Affections of the Throat & Lungs * * * The Spasmoline Co. * * * Directions * * * in some obstinate cases it is necessary to repeat the dose * * * For croupy, wheezing, coughing children, * * * Given in the evening will prevent croup in the night. As a Child's Cough Medicine, Spasmoline Has No Equal. In cases of violent cough and whooping cough, use as the case may require. When a child is relieved of the croup, * * * Spasmoline will relieve Cold and prevent Pneumonia * * * Spasmoline * * * possessing great curative properties for all affections of the throat and lungs. * * * The rational treatment for Croup consists in administering a remedy, that will restore the child to a normal condition without debilitating the system by the use of strong emetics. Spasmoline is a reliable agent for this purpose. * * * it does not dispose the bowels to subsequent costiveness;" (small circular) "Spasmoline An effective remedy for Croup, Coughs, Whooping Cough, Etc.;" (large circular) "One Dose Relieves Croup * * * Spasmoline * * * The rational treatment for Croup consists in administering a remedy that will restore the Child to a normal condition without debilitating the system by the use of strong emetics. Spasmoline is a reliable agent for this purpose. * * * Spasmoline * * * possessing great curative properties for affections of the Throat. * * * Croup comes in the night and strikes its deadly blow before medical aid can be secured. Armed with a bottle of Spasmoline, you can drive this deadly enemy from your home and save your precious Child's life. For Cough, Whooping Cough, * * * Spasmoline has no superior."

On September 5, 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.*

18728. Misbranding of Nau's Dyspeptic Relief. U. S. v. 2 Dozen Packages of Nau's Dyspeptic Relief. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26256. I. S. No. 22068. S. No. 4575.)

Examination of a drug product, known as Nau's Dyspeptic Relief, showed that the article was a combination treatment consisting of a liquid and tablets, and that the bottle label, the outer carton, and the carton containing the tablets bore statements representing that the article possessed curative and therapeutic properties which it did not possess.

On April 20, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel, and on May 27, 1931, an amended libel, praying seizure and condemnation of two dozen packages of the said Nau's Dyspeptic Relief, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been

shipped by Frank Nau, from Portland, Oreg., on or about October 16, 1930, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Nau's Dyspeptic Relief by this department showed that the article consisted of a liquid containing extracts of plant drugs including licorice and golden seal, glycerin, alcohol, and water; and tablets containing bismuth subnitrate, ginger, peppermint oil, and sugar.

It was alleged in the libel as amended that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Outside carton) "Dyspeptic Relief * * * For Relief in Stomach Trouble. * * * Intended For The Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach. * * * Stomach Disorders * * * Distress after Eating, Returning of Food into Mouth, Gnawing at Pit of Stomach, Coated Tongue, Headache, Dizziness;" (bottle) "Dyspeptic Relief * * * For Stomach Troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach;" (carton containing tablets) "Dyspeptic Relief Tablets. To be Taken in Conjunction with the Liquid Medicine to Assist in Relief of Stomach Troubles, Dyspepsia, Indigestion, Dilatation, and Catarrh of the Stomach * * * Remedy."

On September 30, 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.*

18729. Misbranding of Teethina. U. S. v. 28 Dozen Boxes of Teethina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26881. I. S. No. 29244. S. No. 5070.)

Examination of a drug product, known as Teethina, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties, which in fact it did not possess, also that the product could not be considered safe and harmless as represented in the labeling, the Secretary of Agriculture reported to the United States attorney for the Eastern District of New York the interstate shipments herein described, involving a quantity of the article located at Brooklyn, N. Y.

On August 18, 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 28 dozen boxes of Teethina, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the C. J. Moffett Medicine Co., from Columbus, Ga., in part on or about June 4, 1931, and in part on or about June 29, 1931, and had been transported from the State of Georgia into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Teethina by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, calomel, and sugar, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "It is * * * harmless. * * * 'Teethina' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers may use it freely with their babies from infancy until they get in their teens." It was alleged in substance in the libel that the article was further misbranded in that it contained no ingredient or combination of ingredients capable of producing the effects claimed, and that the said claims were applied to the article knowingly or in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof. The curative or therapeutic claims appearing in the labeling of the product which were quoted in the libel, were as follows: (Box) "Teething Powders Teethina * * * Directions * * * Diarrhea—Children under 2 yrs. 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging cease or child becomes