

District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four cases of Espiritu Water No. 2, remaining in the original unbroken packages at Franklin, Mass., alleging that the article had been shipped by the Espiritu Water Co., from Safety Harbor, Fla., on or about October 26, 1931, and had been transported from the State of Florida into the State of Massachusetts, 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 dissolved mineral matter consisted chiefly of chlorides of sodium, magnesium, and calcium, sulphate of calcium, and bicarbonate of calcium.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "No. 2 Water is used for: Kidney Stones, Neuritis, Rheumatism and other Kidney Irregularities. The Fountains of Youth * * * These waters have actually cured Bright's Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Neuritis, Stomach and Bowel Troubles, Rheumatism, Eczema and Psoriasis. * * * in Diseases of the Stomach, Liver and Kidneys, Rheumatism, Neuritis and Kidney Stones. The waters from these Springs are famous for their miraculous cures;" (circular accompanying only one of the shipping cases, front) "Endorsed and recommended by some of the most renowned physicians for Bright's Disease, Bladder Troubles, Diabetes, Dropsy, High Blood Pressure, Gout, Cystitis, Neuritis, Calculus, Sciatica and all other forms of Rheumatism, also Catarrh of the Stomach and Digestive Troubles of the Stomach and Bowels; Chronic Skin Diseases, especially the Squamous varieties, and Chronic conditions due to Malarial Infections. Not only recommended, but actually cures. The waters from these Springs have performed miracles;" (back of circular) "For Diabetes this Water stands alone. Beneficial for many Kidney and Rheumatic Conditions." Misbranding was further alleged for the reason that the article was labeled and branded so as to deceive and mislead the purchaser, in that the label bore a statement of analysis that was false and misleading. Misbranding was further alleged in that the article was food in package form and did not bear a statement of the quantity of contents.

On December 29, 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.*

19050. Misbranding of Dr. Smalley's Pyrozone. U. S. v. 27 Bottles of Dr. Smalley's Pyrozone. Default decree of destruction. (F. & D. No. 26723. I. S. No. 25529. S. No. 4867.)

Examination of a drug product, known as Dr. Smalley's Pyrozone, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On June 30, 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 bottles of Dr. Smalley's Pyrozone, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Smalley Medicine Co., from Augusta, Kans., on or about May 22, 1930, 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 tannin, sodium chloride, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or 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: "Dr. Smalley's Pyrozone for Sore, Loose Teeth and Bleeding Gums, for Sore Throat * * * The most dreaded disease of the mouth is Pyorrhea. Pus forming in the Pyorrhea pockets is a common cause of indigestion and nervous exhaustion."

On December 14, 1931, no claimant having appeared for the property, a decree was entered by the court adjudging the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19051. Misbranding of Scott's Arabian paste. U. S. v. 5¾ Dozen Small-Sized Packages, et al., of Scott's Arabian Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27393. I. S. Nos. 42034, 42035. S. No. 5558.)

Examination of a drug product, known as Scott's Arabian paste, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 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 5¾ dozen small packages and 1½ dozen large packages of Scott's Arabian paste, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Scott's Hoof Paste Co., from Rochester, N. Y., on or about November 17, 1931, and had been transported from the State of New York into the State of Maryland, 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 rosin and petroleum base containing balsams and copper compounds.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tin container label, both-sized packages) "Scott's Arabian Paste * * * Removes Soreness and Inflammation, no matter where found. Man or Beast. Rub All Swollen Parts Thoroughly. Use Lightly on Raw Sores. * * * Will positively heal any sore, of any kind, from any cause. It removes all swelling and inflammation, heals from the bottom and leaves neither bunch nor scar on man or beast. * * * For harness galls, boils, cuts, rope burns, wire fence cuts, sore cords, * * * scratches, grease and cracked heels, thrush, nails in the foot, stone bruise, corns, contracted feet, quarter cracks, etc., foot ail in cows and sheep, caked udder in the cow."

On January 20, 1932, 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.*

19052. Misbranding of Sal-Tonik. U. S. v. 43 Blocks of Sal-Tonik. Tried to a jury. Directed verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 746-C. I. S. No. 2983-x. S. No. 684.)

Examination of samples of Sal-Tonik having shown that the article did not possess certain curative or therapeutic properties claimed for it in the labeling, the matter was reported to the United States attorney for the District of Kansas by an official of the State of Kansas acting under authority of the Secretary of Agriculture.

On February 28, 1928, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 blocks of Sal-Tonik at Fort Scott, Kans., alleging that the article had been shipped by the Guarantee Veterinary Co., from Sioux City, Iowa, on or about June 21, 1927, and had been transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. On November 12, 1931, the said libel was amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (89.4 per cent), sodium sulphate, calcium carbonate, small proportions of an iron compound and sulphur, and a trace of a magnesium compound.

It was alleged in substance in the libel as amended that the article was misbranded in that certain statements regarding the therapeutic effects of the article, appearing in the labeling, conveyed the impression that it would prevent contagious abortion in animals, whereas it would not.