

since the bottles in the said lots contained less than 12 ounces, and in some instances contained less than 11 ounces.

On February 10, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$440.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19191. Misbranding of Dill's balm. U. S. v. 114 Small and 10 Large Packages of Dill's Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27181. I. S. Nos. 37858, 37859. S. No. 5322.)

Examination of a drug product, known as Dill's balm, 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 Delaware.

On or about October 24, 1931, the United States attorney filed in the District Court of the United States for the District of Delaware a libel praying seizure and condemnation of 115 small and 10 large packages of Dill's balm, remaining in the original unbroken packages at Wilmington, Del., consigned September 25, 1931, alleging that the article had been shipped by the Dill Co., from Norristown, Pa., and had been transported from the State of Pennsylvania into the State of Delaware, 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 ammonia, volatile oils including sassafras oil, cinnamon oil, and camphor, extracts of plant drugs, alcohol (61.8 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For pain in stomach and bowels, Colic, Intestinal Cramp, Diarrhoea, Cholera-Morbus, * * * sore throat;" (carton) "For the relief of pain in the stomach and bowels, colic, diarrhoea, intestinal cramp, cholera-morbus."

On December 31, 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.*

19192. Misbranding of Dr. Hale's household tea and Dr. Hale's household ointment. U. S. v. 33 Small and 12 Large Packages of Dr. Hale's Household Tea, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27587, 27588. I. S. Nos. 38986, 38992. S. Nos. 5528, 5579.)

Examination of drug products, known as Dr. Hale's household tea and Dr. Hale's household ointment, from the shipments herein described having shown that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 33 small and 12 large packages of Dr. Hale's household tea and 69 small and 12 large packages of Dr. Hale's household ointment, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by Kenyon & Thomas Co., from Adams, N. Y., in part on or about June 15, 1931, and in part on or about November 21, 1931, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Hale's household tea consisted of a mixture of plant drugs including senna, buckthorn, galium, teucrium, and berberis; and Dr. Hale's household ointment consisted essentially of petrolatum and volatile oils such as camphor, thyme oil, and turpentine oil.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effect of the articles were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Dr. Hale's household tea, carton) "The Great Blood Purifier and Nerve Tonic * * * Continue this treatment daily until fully restored to health. * * * As the blood becomes purified the eyes will become clear and bright, the complexion assumes a ruddy hue, the mind becomes active, the nerves become strong, sleep becomes peaceful and restful, that tired, languid feeling all passes away and you feel that it is a pleasure to live in the enjoyment of perfect health. * * * Reasons Why You Should Use Dr. Hale's Household Teas. It is Nature's Remedy. * * * it acts upon the Blood, changing it to a healthy condition. It stimulates the Liver and Kidneys to a healthy action. It is the finest Nerve Tonic known to man. It gives tone to the stomach and Digestive Organs. * * * Everybody should use it to enjoy perfect health," (Dr. Hale's household tea, circular) "The Great Blood Purifier and Nerve Tonic * * * A Certain and Quick Relief for Biliousness, Torpid Liver, Indigestion, * * * Dyspepsia in all forms, Nervous Debility, Exhaustion, Nervous Prostration, Kidney Trouble, Incontinence of Urine, Female Weakness, Scrofula, and all troubles arising from an impure state of the blood, Sluggish Action of the Liver and Kidneys or disarrangement of the Nervous System. Dr. Hale's Household Tea is a remedy, acting upon the secretions of the system, restoring to health, and leaving nothing to be desired. Dr. Hale's Household Tea * * * is one of the finest and purest Nerve Tonics known to man. * * * Continue the treatment daily until finally restored to health. * * * As the blood becomes purified * * * you feel that it is a pleasure to live in the enjoyment of perfect health. * * * In stubborn cases * * * the quantity may be increased, * * * Are you Bilious? Take Dr. Hale's Household Tea. * * * Do you feel Weak, Tired and Languid? Dr. Hale's Household Tea will give you strength. Do you lack Energy, Vigor and Nerve Power? Dr. Hale's Household Tea will restore vitality and impart vigor and strength to the entire system. * * * A Word to Ladies Are you Suffering from Weakness? Dr. Hale's Household Tea * * * will surely give you health and strength. It is the great restorative medicine, making the weak strong. Rheumatism, Neuralgia and all Skin Diseases are quickly relieved by Dr. Hale's Household Tea * * * Ladies, do you desire a Clear Complexion? If so, take Dr. Hale's Household Tea. [Similar statements are made in foreign languages];" (Dr. Hale's household ointment, container label) "For Catarrh, Eczema, Piles, Etc.;" (Dr. Hale's household ointment, carton) "Used for Catarrh, Eczema, Piles, Etc.;" (Dr. Hale's household ointment, circular) "Relieves Pain and Allays Inflammation. A Remedy of Wonderful merit, for the relief of Salt Rheum, Eczema, Erysipelas, Ring Worm, Tetters, Scaly or Itching Eruptions of the Skin and all Scaly Eruptions, Itching and Irritations of the Scalp, Scald Head, Scrofulous Ulcers, Scores and Discharging Wounds, Rheumatism, Lamé Back, Neuralgia, Headache, Sciatica * * * Contraction of the Muscles and Cords, Piles, Catarrh, Croup and Hoarseness * * * for relieving pain and reducing inflammation. * * * The Ointment is a marvelous curative agency * * * General Directions for Using. This Ointment may be applied to any part of the external surface * * * It may be swallowed in Throat affections and diseases of the lungs, * * * It may be inserted in the nostrils, * * * for Catarrh. It Has Cured Catarrh Where Many Other Remedies Have Failed. In all cases of Rheumatism, Neuralgia, Lamé Back, Sideache, Headache and all acute pains, the Ointment should be thoroughly applied * * * On Children, Is of Marvelous Efficacy Croup—In this dangerous disease, a speedy cure is effected * * * If any inflamed condition of the lungs or bronchial tubes, apply freely to the chest * * * between the shoulders, * * * Catarrh— * * * It relieves this trouble very quickly and soon effects a cure. Eczema—Salt Rheum, Erysipelas and Every Skin Eruption, yields readily * * * It does not dry up these diseases but extracts the poison and heals rapidly. * * * Try this Ointment for Erysipelas, Eczema, Salt Rheum * * * It Surely Cures Piles—Are relieved immediately and soon cured by a free use of this Ointment. * * * Sore Throat—Spread a thick coating of the Ointment * * * Inflamed Sore Eyes—Apply the Ointment to the temples and eye-lids, and sides of the nose. It takes out all inflammation and heals quickly. Corns— * * * for the cure of corns and sore feet. * * * It has cured Rheumatism in

the feet * * * Cold feet or numb limbs are readily cured * * * Neuralgia and Rheumatism—Yield at once by the influence of this Ointment. It has cured the worst cases of neuralgia in three minutes and there is no return of the pain. It does not scatter pain to other localities but cures at once. Rheumatic pains and acute Rheumatism are relieved as if by magic. Ulcerated Sores, Scrofulous * * * and Scald Head are obstinate affections, and will require perseverance to effect a cure. * * * It will reduce the inflammation, extract all the irritating humors and heal the sores without endangering the health. * * * Ague in the Face or Breast—Is speedily cured * * * Earache— * * * Rupture—Apply the Ointment freely * * * It allays the inflammation, is very strengthening and has been known to cure this trouble. * * * For the Use of Ladies—For weak back, it is most excellent. For Ulceration of the Womb, Leucorrhoea or inflamed condition of the parts apply the Ointment * * * healing and has effected remarkable cures. Headache— * * * it is all powerful in allaying pain, reducing inflammation and curing all skin diseases, * * * can be taken internally with benefit, in all throat and bronchial affections. No Other Remedy Can Take its Place in Throat and Lung Affections. * * * use this Ointment for Catarrh. * * * For the cure of Piles, this Ointment is unexcelled. * * * and It Cures. [Testimonial] My wife has been cured of Rheumatism. * * * Facts To Be Remembered. It is unexcelled for catarrh. Lame back vanishes at its use. * * * It has cured Salt Rheum and Eczema * * * It is fine for Neuralgia and Rheumatism."

On January 22, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19193. Adulteration and misbranding of Betalax. U. S. v. 141 Packages of Betalax. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27606. I. S. No. 38987. S. No. 5636.)

Examination of a drug product, known as Betalax, from the shipment herein described showed that the article was represented to be an antiseptic and digestant, whereas it was not antiseptic and possessed no protein-digestant power and little if any starch-digestant power. The labeling also bore unwarranted curative and therapeutic claims.

On December 26, 1931, the United States attorney, 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 141 packages of Betalax, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Betalax Co. (Inc.), from Mount Vernon, N. Y., on or about November 4, 1931, and had been transported from the State of New York into the State of Massachusetts, 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 hydrated magnesium oxide, lactose, small proportions of magnesium carbonate, peppermint oil, and anise oil. The article possessed no proteolytic power, and a negligible amylolytic power. Bacteriological examination showed that the article would not be an intestinal antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, that it contained "Intestinal Antiseptics and Digestives."

Misbranding was alleged for the reason that the statement, "Combined with Intestinal Antiseptics and Digestives," appearing on the carton and package label, was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: "Betalax is effectively employed in the treatment of * * * Auto-Intoxication, Intestinal Fermentation, Indigestion, * * * Palpitation, Gastritis and Cystitis."

On January 22, 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.*