

19517. Misbranding of Hepatona. U. S. v. 24 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26458. I. S. No. 5782. S. No. 4748.)

Examination of a drug product, known as Hepatona, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On June 10, 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 24 bottles of Hepatona at San Juan, P. R., alleging that the article had been shipped on or about April 7, 1931, by H. K. Mulford Co., New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Puerto Rico by J. M. Blanco (Inc.), San Juan, P. R., and that it was misbranded 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 sodium phosphate, sodium bicarbonate, potassium bitartrate, a lithium salt, citric acid, and phenolphthalein.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and 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) "Hepatona * * * Hepatic Stimulant, Colagogue and Eliminator of Uric Acid;" (circular) "Hepatic Stimulant * * * it exercises a stimulative action over the hepatic cells and is efficacious even in smaller doses * * * regularizes the action of the intestines, * * * It is a smooth and efficacious hepatic stimulant. Prominent authorities consider it the best remedy for cirrhosis of the liver * * * is a powerful eliminating agent in toxic conditions. * * * thus obtaining its stimulative action over the liver without the necessity of administering large doses. * * * the preferred eliminator for innumerable conditions where the clearing of the system from katabolic products and the removal of toxic materials from the blood is desired. * * * It is also of great help for the treatment of disorders of the kidneys; it eliminates the toxic substances from the alimentary canal, thus relieving them from the work of expelling those toxic products. This allows the kidneys to rest and to recover their natural functions. * * * In the treatment of the diseases of the skin of any origin, the necessity of keeping the blood free from these toxic products has been acknowledged."

On July 8, 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.*

19518. Misbranding of Fosfatol tonic. U. S. v. 69 Bottles of Fosfatol Tonic. Default decree of condemnation and destruction. (F. & D. No. 22851. I. S. No. 22474-X. S. No. 864.)

Examination of a drug product, known as Fosfatol tonic, from the shipment herein described, having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of Arizona.

On December 19, 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 69 bottles of Fosfatol tonic at Tucson, Ariz., alleging that the article had been shipped by the Vitagenol Medicine Co., from El Paso, Tex., on or about May 4, 1928, and had been transported from the State of Texas into the State of Arizona, 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 compounds of sodium and calcium, strychnine, phosphates, alcohol (10 per cent by volume), glycerin, 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 and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Fosfatol Tonic and Reconstructive Nutritive and Restorative. The presence of phosphorus in the nervous system and in the bones is absolutely indispensable to all living beings. When this substance does not exist in sufficient

quantities, not only cerebral or nervous disorders are produced, but the lack of it causes multiple effects and a great number of diseases appear, as there is no part of the body which is not subject to the action of the nerves. In order that the medicinal administration of Phosphorus may be really effective and beneficial it is necessary that it be given in the form of food to the tissues needing it. 'Fosfatol' contains the proper elements, forming all nervous structures—Glycerophosphates and Lecithin—prepared in such a form that they are easily assimilated by the parts of the body needing them. Glycerophosphates and Lecithin are not only nervous stimulants but are pure and nutritious food to the nervous tissues, giving to the system the elements that are indispensable for its strength and health in such form that they are easily assimilated. Glycerophosphates also contain some of the mineral constituents of the blood and bones, which assist nutrition in general and specially enrich the cells of the blood. Lecithin, being the principal Brain and nerve food, is furnished to the body by means of the more nutritious foods, such as: eggs, oysters, fish, etc. One of the accomplishments of modern medical science has been the extraction of Lecithin from the foods containing it. * * * Fosfatol, in addition, contains Strychnine which has been considered since ancient times one of the most effective and powerful stimulants of appetite and of the muscular tissue of the intestines, which helps digestion and also assimilation in general; it is at the same time, one of the most powerful tonics of the nervous system, as well as of the brain, the nerves of the peripheria and the spinal cord. * * * Fosfatol is of a very great help in the treatment of anemia, chlorosis, rickets, and in any other condition in which the Blood, the Brain, the Nerves, the Bones, the Lymphatic Glands or the Skin show the results of a lack of phosphorus. In Prostration, Exhaustion and Nervous Irritability, whatever the cause, but specially due to mental or physical work, worry or continued exposure to heat or cold. This valuable tonic is also prescribed for disease of the bones, such as the rickets in children, as it stimulates the growth of the bones and also the mending of fractures. It is very useful for pregnancy, or lactation as it helps in the development of the child, before its birth and after it, as it increases the quantity and richness of the mother's milk. 'Fosfatol' stimulates appetite and aids digestion, making the food more easily assimilated by the body, thus necessarily increasing the amount of cells in the blood and consequently increasing the general strength of the body. Its use is of great value to convalescents of any disease, such as: fevers, pneumonia, influenza, the last one, being such a common disease which may re-appear several times and which causes great exhaustion in the body no matter how light the attack and also leaves the body subject to tuberculosis; hemorrhage, either nasal, menstrual, or caused by childbirth or loss of blood of any origin whatever, such as wounds, surgical operations or in the slow and silent alteration of blood, as in syphilis, scrofula and continued discharge or supuration. It is of great benefit to convalescents of continued or chronic diseases of the stomach, bowels, liver and kidneys, which on account of the long and strict diet required, they greatly decrease the body reserves and thereby weaken the system. In general, this tonic is of well-known and proven benefit in all cases of exhaustion and weakness of the system, no matter what their origin may be, * * * this preparation can be taken with advantage by healthy persons as an appetite stimulant and general strength restorative and also against the exhaustion produced by muscular or intellectual work. * * * Vitagenol."

On June 29, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

19519. Misbranding of Parker's stock powder. U. S. v. 16 Sacks of Parker's Stock Powder. Default decree of destruction entered.
(F. & D. No. 28233. I. S. No. 50807. S. No. 6086.)

Examination of a drug product, known as Parker's stock powder, from the shipment herein described showed that the article would not produce certain curative and therapeutic effects claimed for it in the circular shipped with the article.

On April 27, 1932, the United States attorney for the Western District of Missouri, 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 16 sacks of Parker's stock powder, remaining