

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label, were false and fraudulent: "General Tonic * * * Intended to Assist in the Treatment of Rheumatism, Kidney, Liver, Indigestion and Stomach Trouble, Loss of Appetite, * * * Bad Blood, Tired Feeling, Sleeplessness, Nervous Disorders and Auto-Intoxication * * * Stimulates or excites the action of the Gastro Peptic glands, causing a more copious exertion of the digestive juices, whose enzymes are vitally necessary to perfect digestion and health. Any serious interference with the digestive process due to catarrhal mucus or excessive fermentation not only greatly retard or inhibit the assimilation of the caloric units from the proteins of the food, but cause acidity, eructations and distress from gas pressure. In aggravated cases the action of both heart and lungs is impeded by this encroachment. Good digestion is absolutely necessary to nutrition, for upon this must depend blood making and all constructive tissue building of bones, nerves and muscles with general strengthening or revitalizing of the body. * * * A cholagogue cathartic increases the action of the liver, which is the strainer or purifier of the blood, when through its increased action more bile is eliminated or thrown into the intestines. The digestion of fats and starches are greatly facilitated; this increases peristaltic action of the intestinal tract, removes from the body that effete or waste material which, if retained, is the cause of Auto-Intoxication or self-poisoning resulting in headache, fever, lassitude or a general depressed feeling."

On April 10, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20593. Misbranding of Piperazine Midy. U.S. v. 9 Bottles and 69 Bottles of Piperazine Midy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29322, 29703. Sample nos. 7843-A, 7846-A.)

Examination of the drug preparation Piperazine Midy disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On November 22 and December 31, 1932, the United States attorney for the District of Puerto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 78 bottles of Piperazine Midy, alleging that the article had been shipped on or about June 29 and November 11, 1932, by E. Fougera & Co., Inc., New York, N.Y., to San Juan, P.R., that it was being sold and offered for sale in Puerto Rico by Serra, Garabis & Co., Inc., of San Juan, P.R., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Piperazine-Midy * * * The Midy Laboratories, Incorporated * * * New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of piperazine hydrochloride, sodium bicarbonate, and tartaric acid.

It was alleged in the libels 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 carton, were false and fraudulent: "Indicated in Gout, Lumbago, Sciatica, Gravel, Stone and other manifestations of the Uric Acid Diathesis. Owing to the formation of nascent Sodium Citrate which stimulates hepatic activity, this preparation may be prescribed to control formation of urates. Directions * * * In Chronic Cases 2 to 3 teaspoonfuls a day In Acute Cases 4 to 6 teaspoonfuls a day (Dissolve in one half glass of water)."

On January 10 and February 8, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20594. Misbranding of 4-44 (Four Forty Four). U.S. v. 21 Bottles of 4-44. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29327. Sample no. 7842-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of

producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On November 30, 1932, the United States attorney for the District of Puerto Rico, 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 4-44 (Four Forty Four) at San Juan, P.R., alleging that the article was being sold and offered for sale in Puerto Rico by Serra, Garabis & Co., Inc., of San Juan, P.R., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Translation from Spanish) "4-44 (Four Forty Four) * * * Prepared for United Laboratories U.S.A. Arcadio Saldana Distributor San Juan."

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt (26.3 grams per 100 cubic centimeters), small proportions of compounds of calcium, sodium, potassium, and ammonium phosphates, saccharin, sugar, and water, colored with a coal-tar dye.

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 in the circular, were false and fraudulent: (Circular, translation from Spanish) "4-44 Fountain of Health. A perfect blood contains the following 16 elements: Iron—The carrier of oxygen into the blood. Without iron the red corpuscles become scarce and the patient gets worse. Sulphur—Sulphur combines with calcium for the formation of the bones, teeth and hair. It is also a disinfectant. Calcium—Calcium is essential for the formation of the bones. Children having little calcium content grow thin. Manganese—Manganese promotes a healthy action of the liver and of the female sexual organs. Magnesium—This element avoids excessive acidity in the blood and is necessary for the formation of the bones. Iodine—Iodine is very important for the proper functioning of certain glands especially the thyroids. The lack of iodine may cause gout. Potassium—Every healthy person needs potassium. It is found in the blood and vital fluids. Potassium and phosphorus afford agility to the body. Nitrogen—This is of vital importance for the development of the muscles and nerves. Hydrogen—Another gas is hydrogen that combines itself with carbon in order to form the hydrates, an aliment of great importance. Hydrogen also serves for the formation of the gastric juice needed for digestion. Chlorine—Chlorine and oxygen form the chloric acid, a substance that is found in the stomach and that helps the digestion. Chlorine also combines itself with sodium and forms salt, that also abounds in healthy bodies. Fluorine—Fluorine is a gas. It is needed for smoothing the hair and for the formation of the teeth. It is never found alone, but in combination with other elements. Phosphorus—Phosphorus is necessary for the nerves, brain and bones. Silica—Silica is found in small quantities in all healthy hair, nails and bones. Carbon—Carbon is necessary for maintaining the proper heat of life. When it gets in contact with oxygen, it burns up like a piece of wood thus maintaining the temperature of the body and promoting the health and development of same. Carbon also combines up with hydrogen and oxygen and form the carbohydrates, and with other substances for the formation of fat which is kept by the body to be used later. Sodium—This substance has been described in connection with chlorine. Just like manganese it helps in the control of the acidity of the blood. Oxygen—Oxygen is a gas that when in combination with carbon maintains the temperature of the body. It aids largely in the elimination of the body secretions. We can live hours without the other elements of the blood, but will die if no oxygen is received. The name 4-44 is derived from the fact that it cures 44 diseases, of which constipation is a symptom. This is a reconstituent tonic without a single drop of alcohol. * * * There is nothing in it that will stimulate for a moment and later will cause troubles. 4-44 is a vital fluid that contains all the elements of a healthy blood, therefore, it is able to cover the deficiencies of our modern diets and furnish the system with the necessary elements for making a red pure blood. It has been discovered that diseases are not largely due to contaminated blood as they are to impoverished blood. Disease is not largely due to what there is in the blood as it is to the lack of certain elements very necessary to the health. As a result of many years of experience, 4-44 was improved by a modern chemist of German nationality. This great chemist of the XXth century is a chemist in anatomy, physiology and biology, whose knowledge discovers the most profound secrets of the human body and life. * * * Plainly, he

describes 4-44 as a vital fluid that contains all the elements of the human body combined in such a manner that they may be easily assimilated by the system. It is so perfect that some of these elements can be found in the blood 5 minutes after having taken the first dose. The modern methods of preparing our food tend to eliminate from our meals the vital elements necessary to maintain the blood in perfect condition. The fact that 4-44 is absorbed and assimilated so quickly makes its effect instantaneous, thus producing a vigorous sensation in all the organs of the body. By experience of thousands of cases, we sustain that 4-44 eliminates the cause of stains and cutaneous eruptions from which many persons recover, but within a few days appear with more violence. It has been proved that we do not live from what we eat or digest, but from what we absorb. This fact has extraordinary importance, moreover, when the expelling system is a den of microbes that flourish there abundantly, thus forming toxins that pass into the blood with danger to our health. We should clear that system with 4-44. It offers complete guaranty. Inflammation of the liver is due to impurities of the blood, and this is originated by transformations of the microbes into toxins of the expelling system, whose poisons pass into the blood and produce inflammation of the liver. The affections of the liver are the cause of ulcers, pimples, cutaneous stains, headaches and cases of mental derangement. In our system there are glands that elaborate the liquid part of the blood, glands that produce cells and glands that eat up the toxic substances of the blood; these glands produce uric acid. 4-44 eliminates uric acid, because it unfastens the substances that adhere to the walls of the stomach, clears the kidneys, produces intestinal evacuation, and when producing new blood, the liver recover his normal condition thus leaving all the systems that constitute the body structure completely clean. If you feel weak, bilious, cannot sleep well, and ill after eating, do not hesitate to use 4-44. For rheumatism, indigestion, constipation, troubles of the stomach and kidneys and for any disease due to impurity of the blood, we recommend 4-44. 4-44 liberates you from the poisons of the expelling system and harmonizes the functioning of the osseous, nervous, muscular, digestive and circulatory systems, thus permitting you to breathe without muscular fatigue and even creating better thoughts in your soul. According to the testimonials that we receive daily from physicians and other persons praising this famous medicine, three bottles are sufficient to bring your health back to normal condition. Directions.—Adults should take a tablespoonful in water every two hours, until the intestines function. Then it can be taken two or three times a day before meals. Children according to age.

* * * [Testimonial] * * * for five years I had been suffering from a kind of whitish stains that while growing were covering my skin. Then I started taking 4-44. Since the first bottle I noted a great improvement and after the second they started to disappear until my skin remained as natural as when I was in my teens.'"

On January 10, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20595. Adulteration and misbranding of Billy B. Van's pine tree ointment. U.S. v. 45 Packages of Billy B. Van's Pine Tree Ointment. Consent decree of condemnation and destruction. (F. & D. no. 29590. Sample no. 16550-A.)

Examination of the drug preparation on which this action was based showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in a circular shipped with the article. Tests of the article disclosed that it was not an antiseptic and germicide, which properties were claimed for it in the labeling.

On December 6, 1932, the United States attorney for the District of New Hampshire, 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 45 packages of the said Billy B. Van's pine tree ointment, remaining in the original unbroken packages at Newport, N.H., alleging that the article had been shipped in interstate commerce on or about August 15, 1932, by the Commercial Laboratories, Inc., from Newark, N.Y., to Newport, N.H., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.