

shipment, cut depicting a monk removing bark from a tree, accompanied by the legend, "'Cascara Sagrada'—Sacred Bark" and the statements, "Cascarets contain cascara, which is Nature's own laxative. Cascara comes from the bark of a tree in the far West. Its name is *cascara sagrada* (sacred bark). Grown in the great outdoors. Combined and refined with other valuable ingredients. Real licorice and pure cane sugar are added and it is pressed into these candy-like tablets \* \* \* Cascara will not lead to any harmful habit. Physicians declare cascara an ideal laxative \* \* \* So you need never hesitate to take Cascarets or to give them to children", which statements constituted representations that the cathartic ingredient of the article was derived from cascara sagrada, whereas it contained no ingredient derived from cascara sagrada, but did contain a synthetic cathartic phenolphthalein.

Misbranding was alleged for the reason that the following statements, appearing in the labeling, were false and misleading, (metal container and circular) "Cascarets", (circular) "A New, Delightful, form of an old, time-tested remedy. For many years, candy Cascarets have pleased the palate of old and young. And now they are even better, having been given a rich chocolate flavor \* \* \* You will find the modern Cascaret, with its satiny chocolate flavor, a double delight. But for those who might prefer their old favorite unchanged, plain Cascarets will continue to be sold \* \* \* Their action is the same", (metal container) "Candy Laxative", and (circular) "Candy" since the said statements created the impression that the article was a preparation of cascara sagrada and that it had the same medicinal constituents as the article marketed under the designation "Candy Cathartic Cascarets", whereas the article was a preparation of phenolphthalein, and its physiologically active constituents were not the same as those in the product known as "Candy Cathartic Cascarets." Misbranding was alleged for the further reason that the statements on the circular, "Cascarets are made from a formula quite unlike the common cathartic formulas. They do their work in quite a different way", (metal container) "Laxative", and (circular) "Candy", were false and misleading, since the active constituent, phenolphthalein, is a common ingredient of cathartics and is not peculiar to the preparation, and the article was essentially a phenolphthalein preparation, not a candy. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Circular) "Cascarets cleanse the whole intestinal tract and sweeten the whole system \* \* \* Constipation of a stubborn kind may be treated by a Cascaret each morning and night until the bowels are thoroughly flushed and they have regained their normal, regular action. \* \* \* in extreme cases"; (tin container) "For habitual constipation."

On December 21, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be delivered to the Food and Drug Administration of this Department, for use in analytical research.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21778. Misbranding of Vitalitea. U. S. v. 247 Packages of Vitalitea. Default decree of condemnation and destruction. (F. & D. no. 30868. Sample no. 29702-A.)**

Examination of the drug preparation, Vitalitea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about August 17, 1933, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 247 packages of Vitalitea at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about June 19, 1933, by the Vitalitea Co., from Los Angeles, Calif., 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 mixture of senna and maté.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and in a circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "Vitalitea 'In Every Vitality' \* \* \* Directions Put

one tablespoonful Vitalitea in pot containing two cups boiling water, steep until it is cool enough to drink. Pour thru strainer. Note:—(This amount can be steeped four times and the fourth steeping equally as beneficial as the first). \* \* \* No worries about fat, indigestion gas, \* \* \* When you drink Vitalitea, common sense dieting assists materially in obtaining desired results. Vitalitea having diuretic and laxative qualities. Promotes elimination thru proper channels \* \* \* Vitalitea Company"; (circular) "Vitalitea Reduce Safely While You Eat \* \* \* Vitalitea The value of Vitalitea as a weight balancing agent does not depend upon any arbitrary diet rules or charts. You may eat any sensible food and follow your natural eating habits, but do not eat three substantial meals in a row. If you had a light lunch you may have a heavier dinner or vice-versa. If you are eating roast pork, for instance, eat sparingly of potatoes, beans, gravy, bread and butter, or sweet dessert. Vitalitea is a normalizer, a balancer of weight, a natural method of eliminating excess fat. But, the more of fat producing foods you eat the harder it is for Vitalitea to help you reduce, and the longer it will take to reach the desired weight. \* \* \* To help you in a sensible way, without loss of health or vitality, or drastic changes in your eating habits, we recommend the following method of using and choosing your food \* \* \* Keep Your Health With Vitalitea No longer need you starve yourself sick or endanger your health with harmful reducing drugs or worry about every morsel of food you take. Vitalitea, the scientifically blended, health-building herb beverage helps you reduce safely while you eat. Vitalitea Balances your weight, eliminates surplus fat and does it in a safe, sensible, Natural Way. Vitalitea stimulates your muscles and glands. It is a splendid tonic \* \* \* and regulator. It contains all the necessary food elements to maintain health and vitality. It is recommended as a safe-guard against insomnia, as an aid in the cure of stomach and kidney trouble, and as a stimulant without any reaction. Drink Vitalitea! \* \* \* Drink before, after, or with your meals, and reduce Safely while you eat. The Vitalitea Company."

On October 16, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21779. Misbranding of acetphenetidin. U. S. v. Nine 1-Pound Cartons and Nineteen 4-Ounce Cartons of Acetphenetidin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30779. Sample nos. 37528-A, 37529-A.)**

This case involved interstate shipments of acetphenetidin, the packages of which were not labeled to show that the article was a derivative of acetanilid.

On or about July 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine 1-pound cartons and nineteen 4-ounce cartons of acetphenetidin at Baltimore, Md., alleging that the article had been shipped in interstate commerce in part on or about July 11, 1933, and in part on or about July 19, 1933, by the Monsanto Chemical Works, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label that the article was a derivative of acetanilid.

On December 8, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21780. Misbranding of Bron-Co Capsules. U. S. v. Pacific Laboratories, Inc. Plea of nolo contendere to first count, and guilty to second count. Fine, \$50. (F. & D. no. 30236. Sample no. 1803-A.)**

Examination of the drug product, Bron-Co Capsules, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that the article contained acetanilid, which was not declared on the label as required by law.

On September 30, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the