

21782. Misbranding of Tru-Aspingum and Tru-Koff-Ade. U. S. v. 37 Cartons of Tru-Aspingum and 55 Cartons of Tru-Koff-Ade. Default decree of condemnation and destruction. (F. & D. nos. 30943, 30944. Sample nos. 42121-A, 42122-A.)

This case involved drug preparations put up in the form of chewing gum. Examination disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On September 1, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cartons of Tru-Aspingum and 55 cartons of Tru-Koff-Ade at Great Falls, Mont., alleging that the articles had been shipped in interstate commerce in various shipments on or about October 3, 10, and 19, 1928, by the Tru-Lax Manufacturing Co., from Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Tru-Aspingum consisted essentially of acetylsalicylic acid and salicylic acid incorporated in a mixture of sugar, starch, and gum; and that Tru-Koff-Ade consisted essentially of peppermint oil, a pungent substance, such as red pepper, and a trace of an alkaloid, incorporated in a mixture of sugar, starch, and gum.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Tru-Aspingum, carton) "Especially recommended for sore throats * * * For * * * acute rheumatism * * * and other pains of nervous origin, also for the relief of gout, sciatica, tonsillitis, influenza * * * For relief of * * * and other Pains of Nervous Origin"; (display card) "Does Not affect the Heart"; (circular) "Chew Tru-Aspingum for * * * and other pains of nervous origin * * * its antiseptic ingredients mix with saliva and are carried over sore spots in the mouth and throat"; (Tru-Koff-Ade, carton) "For * * * Hoarseness, Bronchitis, Asthma, Coughs * * * For * * * Hoarseness, etc. * * * For coughs"; (display card) "For Coughs * * * Remedy for Coughs * * * etc."; (circular) "Tru-Koff-Ade * * * will quickly loosen the phlegm and relieve hoarseness, sore throat, bronchitis * * * nasal catarrh and other irritations of the throat and mouth."

On November 24, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

21783. Misbranding of Hart's Swedish Asthma and Hay Fever Medicine. U. S. v. 22 Bottles of Hart's Swedish Asthma and Hay Fever Medicine. Default decree of condemnation and destruction. (F. & D. no. 31283. Sample no. 40273-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was represented to contain 4 percent of alcohol, whereas analysis showed that it contained no alcohol.

On October 27, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bottles of Hart's Swedish Asthma and Hay Fever Medicine at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1933, by Hart's Swedish Asthma Medicine Co., from Buffalo, N.Y., 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 potassium iodide (12 grams per 100 milliliters), glycerin, coloring, and flavoring.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label and wrapper, "Pure Grain Alcohol 4 per cent", was false and misleading, since the article contained no alcohol. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle and wrapper labels) "Swedish Asthma and Hay Fever Medicine * * * Directions Adults. One teaspoonful in quarter of glass of water, after each meal, in severe cases on retiring. Children. Under twelve, three quarters of