

The box label of the Root and Herb Tea falsely and fraudulently represented that the article was effective to repair waste tissue, build up the system and purify the blood; effective as a relief for sleeplessness and weakness resulting from overwork and other causes; effective to restore health and strengthen the nerves; effective as a great blood purifier and as a remedy for nervous and general debility, weak kidneys, lame back, liver complaint, constipation, rheumatism and gout, and for all impurities of the blood of long standing; effective as a treatment for the complexion; effective to restore the freshness and brilliancy of youth, and to paint the bloom of a rose in the face which health alone will bring.

The jar labels of the Catarrh Balm falsely and fraudulently represented that the article was effective as a catarrh balm; effective as a great healing salve; effective as a relief for catarrh, hay fever, deafness, and all catarrhal diseases; effective as a cure for catarrh; effective as a remedy for piles and sores; and effective to remove all pimples.

On March 14, 1934, the two informations having been consolidated, the defendant was arraigned and entered a plea of guilty. On May 26, 1934, the court ordered that sentence be suspended and that the defendant be placed on probation for a period of 2 years.

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

**22354. Alleged adulteration and misbranding of ether. U. S. v. 11 Cans of Ether. Tried to the court. Judgment for claimant. Libel dismissed. (F. & D. no. 29192. Sample no. 7769-A.)**

Examination of 10 cans of ether from the shipment involved in this case showed that the ether in one of the cans contained peroxide, a decomposition product.

On November 8, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of ether at Macon, Ga., alleging that the article had been shipped in interstate commerce, on or about May 21, 1932, by Merck & Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged in that the statement on the label, "Ether U. S. P.", was false and misleading and deceived and misled the purchaser.

On April 10, 1934, Merck & Co., Inc., entered an appearance and filed a claim and answer. On June 28, 1934, the case came on for trial before the court, a jury having been waived. After hearing the evidence, the court found that the Government had failed to carry the burden of proof, and ordered that the product be delivered to the claimant and that the libel be dismissed.

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

**22355. Adulteration and misbranding of Jopp's Salakine Tablets. U. S. v. Arthur J. Jopp (Jopp Pharmacal Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29394. I. S. no. 42851.)**

This case was based on a shipment of drug tablets which contained less acetanilid than declared on the label.

On February 14, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur J. Jopp, trading as the Jopp Pharmacal Co., Buffalo, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 16, 1931, from the State of New York into the State of Pennsylvania, of a quantity of Jopp's Salakine Tablets which were adulterated and misbranded. The article was labeled in part: "Jopp's Salakine Tablets \* \* \* a combination containing 100.135 grains Acetphenitidin U. S. P. and 175.200 grains Acetanilide in each avoirdupois ounce. \* \* \* Manufactured by Jopp's Drug Co., Inc., Buffalo, N. Y."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each avoirdupois ounce of the article was represented

to contain 175.200 grains of acetanilid, whereas each avoirdupois ounce contained less acetanilid than represented, namely, not more than 68.293 grains.

Misbranding was alleged for the reason that the statement, "Salakine Tablets \* \* \* containing 100.135 grains Acetphenitidin U.S.P. and 175.200 grains Acetanilide in each avoirdupois ounce", borne on the bottle label, was false and misleading, since the article contained less than 175.2 grains of acetanilid in each avoirdupois ounce.

On March 19, 1934, the defendant entered a plea of guilty, and on April 9, 1934, was sentenced to pay a fine of \$25.

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

**22356. Adulteration and misbranding of Dunlop Pyorrhea Paste. U. S. v. Julius F. Emme (Dunlop Pyorrhea Machine Manufacturing Co.). Plea of guilty. Fine, \$15. (F. & D. no. 29410. I. S. no. 44029.)**

On April 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Julius F. Emme, trading with others as the Dunlop Pyorrhea Machine Manufacturing Co., St. Paul, Minn., alleging shipment by said defendant on or about September 18, 1931, from the State of Minnesota into the State of Illinois, of a quantity of Dunlop Pyorrhea Paste which was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, glycerin, and alcohol (by volume 5.12 percent) flavored with peppermint oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 20 percent of alcohol, whereas it contained not more than 5.12 percent of alcohol.

Misbranding was alleged for the reason that the statement, "20% Alcohol", borne on the cartons and tubes, was false and misleading. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects, borne on the cartons and tubes and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment for pyorrhea and mouth diseases; effective as a treatment for trench mouth; effective as of great advantage in all cases of infection; effective as a treatment for all impoverished or diseased tissue; effective to insure healthy teeth; effective to give quick relief in all cases of gum and tissue diseases; effective to greatly retard the advancement of these infections; effective as a remedy for trench mouth or Vincent's disease; and effective to neutralize discharge of all poisonous matter in trench mouth or Vincent's disease.

On April 7, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$15.

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

**22357. Misbranding of Corax Tablets. U. S. v. 67 Dozen Packages of Corax Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30027. Sample no. 22692-A.)**

This case involved drug tablets that contained acetanilid and that were not labeled to show the quantity or proportion of the said acetanilid.

On March 30, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 dozen packages of Corax Tablets at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about October 29, 1932, by McKesson & Robbins, Inc., from Bridgeport, Conn., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained 0.96 grain of acetanilid each, camphor, a bromide of a cinchona alkaloid, and an extract from a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the packages failed to bear on the label a statement of the quantity or proportion of acetanilid contained in the article.

On May 3, 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.*