

Misbranding was alleged for the further reason that certain statements in the circulars, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that the user could drink his way to health with these crystals, that it was effective as a treatment, cure, and remedy for constipation and its accompanying ills, indigestion, auto intoxication, stomach trouble, and rheumatism in all its different forms; effective in clearing up a bad complexion, reducing excess weight, in improving digestion, keeping the stomach and bowels in good shape, and the intestinal tract in a healthy condition; and effective as a remedy for ailments of man; that it had an invigorating effect on the stomach and intestinal tract and that the user would always feel fit and be in the pink of condition.

On May 28, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

22957. Misbranding of R. M. B. Powders. U. S. v. R. M. B. Laboratories, Inc. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 31347. Sample no. 26155-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 28, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. M. B. Laboratories, Inc., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about November 28, 1932, and February 17, 1933, from the State of Washington into the State of Oregon, of a quantity of R. M. B. Powders which were misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of bismuth subnitrate and sugar. At the trial it was stipulated that the product consisted essentially of bismuth subnitrate and sugar and might contain proteolytic enzymes.

It was alleged in the information that the article was misbranded in that certain statements in a circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for disturbances of the alimentary tract, stomach trouble, digestive ailments, digestive ills; effective as a relief for stomach troubles caused by improper assimilation of food; effective to assist in the restoration of a normal balance between the digestive juices and acid in the stomach and to enable it to carry out its major function of preparing the food for further digestion in the intestines; effective to assist in a more complete and easier assimilation of foods and to have control upon the whole process of digestion and to eliminate elements common to toxemia (food poisoning); and effective as a treatment, remedy, and cure for serious stomach trouble, gas, bloating, and ulcers of the stomach.

On June 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

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

22958. Adulteration and misbranding of Peerless Crystals. U. S. v. 282 Packages and 128 Packages of Peerless Crystals. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31720. Sample nos. 50751-A, 50752-A.)

This case involved a shipment of Peerless Crystals which were labeled to convey the impression that it was obtained by evaporation of the waters of Mineral Wells, Tex. Analysis showed that its composition differed from that of the minerals obtained from evaporation of the said waters, and also differed from the analysis printed on the label. The labeling contained unwarranted curative and therapeutic claims.

On December 15, 1933, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying condemnation of 282 half-pound packages and 128 pound packages of Peerless Crystals at Opelika, Ala., alleging that the article had been shipped in interstate commerce in part on or about April 18, 1933, and in part on or about April 29, 1933, by the Peerless Mineral Water & Crystal Co., Mineral Wells, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.