

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

23001-23025

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 19, 1935]

**23001. Misbranding of Lax-Aid. U. S. v. 31 Packages of Lax-Aid. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32999. Sample no. 67594-A.)**

This case involved a product, the labels of which represented that it was a food auxiliary and not a medicine, and that it would not irritate delicate tissues, aggravate ulcers and clog, causing intestinal impactions. Examination showed that it was composed of ground psyllium seed and was therefore a drug and a medicine; it would not be harmless, since it was capable of irritating the gastro-intestinal lining and producing impaction. The labels also bore unwarranted curative and therapeutic claims.

On June 25, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 packages of Lax-Aid at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about May 15, 1934, by Healthaids, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ground plantago seeds.

The article was alleged to be misbranded in that the following statements in the labeling, were false and misleading: (Carton) "Free of Drugs \* \* \* Natural as the Food you Eat, \* \* \* Furnishes Smooth Bulk and Lubrication without Ruffage, \* \* \* Seed products, too, are dangerous. Clinical records indicate seeds as the cause of serious intestinal impactions. \* \* \* Lax-Aid is \* \* \* absolutely harmless"; (circular) "Lax-Aid is not a drug. It is not a medicine. \* \* \* Lax-Aid is a natural food auxiliary, \* \* \* Seed products won't do, either! For, very often, they irritate delicate tissues, aggravate ulcers and clog, causing intestinal impactions, \* \* \* Give Lax-Aid a fair trial \* \* \* Natural as the food you eat." Misbranding was alleged for the further reason that certain statements, regarding the curative or therapeutic effects of the article, borne on the carton and in the circular, falsely and fraudulently represented that it was effective in ending constipation naturally and in establishing regular bowel movements; effective in removing the cause of constipation, and thereby removing the cause of rheumatism, diseased tonsils, colitis, pyorrhea, heart trouble and "many other life taking diseases"; effective in exercising and strengthening the intestinal muscles; effective to "guarantee freedom from the evils of constipation"; and that it "constituted a corrective."

On August 11, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

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