

24521. Misbranding of Murrmann's Compound. U. S. v. Mrs. Annie Elizabeth Murrmann (Murrmann's Compound Laboratory). Plea of guilty. Fine, \$100. (F. & D. no. 32904, Sample no. 45961-A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 21, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Annie Elizabeth Murrmann, trading as Murrmann's Compound Laboratory, Danville, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 7, 1933, from the State of Illinois into the State of Wisconsin, of a quantity of Murrmann's Compound which was misbranded.

Analysis showed that the article consisted essentially of small proportions of creosote and iron chloride, sugar, glycerin, and water.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on the bottle label and carton, and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for functional disorders of the lungs and all ailments resulting from coughs and colds, sore throat, bronchitis, asthma, minor affections of the throat and head, severe lung trouble, children with fever and children in a run-down condition, tuberculosis, pneumonia, flu, nervousness, catarrh of the head, and all respiratory diseases; effective as a sure relief for these ailments, and as a preventive of tuberculosis and pneumonia; effective as a wonderful appetite and rich red blood builder for children, and to keep them growing, strong and healthy; and effective as a strengthening tonic and to increase weight.

On January 5, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$100.

M. L. WILSON, Acting Secretary of Agriculture.

24522. Misbranding of Stardom's Hollywood Diet. U. S. v. 42 Cases, et al., of Stardom's Hollywood Diet. Default decrees of condemnation and destruction. (F. & D. nos. 32965, 32966, 33013, 33014, 33015. Sample nos. 62764-A, 62765-A, 62771-A, 62775-A, 71526-A, 71578-A.)

These cases involved a product which was misbranded because of unwarranted therapeutic and curative claims in the labeling. A portion of the article was found to be short weight.

On June 18 and June 28, 1934, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 54 cases and 159 packages of Stardom's Hollywood Diet, in part at Buffalo, N. Y., and in part at Rochester, N. Y. On June 23, 1934, a libel was filed in the Northern District of New York against 159 packages of the product at Syracuse, N. Y. On December 27, 1934, an amended libel was filed in the Northern District of New York. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of March 1 and June 14, 1934, by the Hollywood Diet Corporation, from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples showed that the article consisted essentially of sugar (20 percent), soybean flour, cocoa, and inorganic constituents including table salt.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects appearing in the labeling were false and fraudulent: "The Dawn Of A New Era In Weight Control A beautiful figure need no longer be a matter of birthdays. The possibility of your having an exciting type of Hollywood figure is now so real as to be actually breath-taking, and to gain it you won't have to go hungry, engage in violent exercises, use drugs or resort to laxatives; all of these methods are taboo. You need sacrifice none of your freshness, none of your vitality. And when you have reduced to your normal healthy weight, you should have no sagging, wrinkled skin, no strained, tired look or feeling. Not a whit of the sad results so often obtained with strenuous reducing methods. Don't risk vitamin starvation—as beauty comes from within! Stardom's is not a reducing agent in the strict sense of the word, because it is neither drug nor laxative. On the contrary, it is a highly concentrated, delicious, pure food that you can take into your system and convert into energy instead of fat, thereby satisfying every pang of hunger. Stardom's is obviously as pure and safe as the food you eat

... Yet fat simply vanishes. * * * Directions. Add one heaping teaspoonful of Stardom's to a glass of milk, water or any of the citrus fruit juices, such as orange, pineapple, grapefruit, tomato or grape juice. This should be taken in place of one or two fat-forming meals daily, followed by a cup of coffee or tea, if desired. However, eat one adequate meal daily, as your system needs bulk for proper elimination. Stardom's instantly dispels hunger, as it supplies your system with food elements which are alive, such as, Vitamins A, B, C, D, and E, six Minerals, namely, lime, phosphorus, potassium, sodium, chlorine, and magnesium, Lecithin, a nerve and brain food, and the carbohydrates necessary to assist normal body activities in burning up existing fat as quickly as it can safely be done. Stardom's could well be named 'Miracle Food' as it is a vitalizer, normalizer, and slenderizer." Misbranding was alleged with respect to a portion of the article, for the further reason that the statement on the label, "Net Contents Seven Ounces", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The Hollywood Diet Corporation entered an appearance as claimant in each case and filed answers to the original libels. On March 8, 1935, no amended answer having been filed to the amended libel filed in the Northern District of New York, judgment was entered in that case condemning the product and ordering that it be destroyed. On March 12, 1935, the answers filed in the remaining cases having been withdrawn, judgments of condemnation and destruction were entered.

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

24523. Misbranding of Cal-Cod. U. S. v. 7 Cans of Cal-Cod. Consent decree of condemnation and destruction. (F. & D. no. 32987. Sample no. 7952-A.)

This case involved a product which was labeled to convey the impression that it contained the active and important constituents of cod-liver oil. Biological examination, however, showed that it contained no significant amount, if any, of vitamin D, one of the therapeutically active constituents of cod-liver oil. The labeling also bore unwarranted curative and therapeutic claims.

On or about June 23, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cans of Cal-Cod at Glastonbury, Conn., alleging that the article had been shipped in interstate commerce on or about April 7, 1934, by the Cal-Cod Process Co., from Wappingers Falls, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a calcium soap.

The article was alleged to be misbranded in that the statements, "Cal-Cod", and "A product embodying Dried Norwegian Cod Liver Oil Principals in highly vitalized form and value", and "Dry mixing eliminates all messy, nasty work of liquid oil mixing", were false and misleading, since they created the impression that the article contained the physiologically active and therapeutically important constituents of cod liver oil, whereas it did not. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Health Growth Vigor * * * Easy to mix with any Poultry or Dairy ration for increased productivity, growth, vigor or vitality."

On March 16, 1935, the Cal-Cod Process Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24524. Misbranding of Korum. U. S. v. 42 Bottles of Korum. Default decree of condemnation and destruction. (F. & D. no. 33016. Sample no. 72507-A.)

This case involved a drug preparation the labeling of which contained unwarranted claims regarding its efficacy in the treatment of the diseases of poultry.

On July 6, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court