

24533. Misbranding of Ker-ene. U. S. v. Duncan O. Welty, Sr., and Duncan O. Welty, Jr. (The Welty Co.). Pleas of guilty. Fines, \$2. (F. & D. no. 33755. Sample nos. 43913-A, 43914-A, 46979-A.)

This case was based on interstate shipments of a product the labeling of which contained unwarranted curative or therapeutic claims.

On December 20, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Duncan O. Welty, Sr., and Duncan O. Welty, Jr., trading as the Welty Co., Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about August 2, 1933, from the State of Illinois into the State of Rhode Island, and on or about August 15, 1933, from the State of Illinois into the State of New Jersey, of quantities of Ker-ene which was misbranded.

Analyses showed that the article consisted of deodorized kerosene.

The product covered by one shipment was charged with being misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a natural remedy for many certain ailments and specific cases; and effective as a treatment and remedy for dandruff and for all hair and scalp disorders; to prevent falling hair; to overcome almost every hair and scalp trouble, common and uncommon; to keep the scalp and hair in a healthy condition, remedy the impoverished condition and cure dandruff. The product in the remaining shipment was charged with being misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a natural remedy for many certain ailments and specific cases; and effective as a treatment, remedy, and cure for asthma, catarrh, hay fever, coughs, croup, foot troubles, lumbago, piles itching and protruding, pneumonia, rheumatism, sciatica, scalp troubles, skin troubles, stiff joints, swelling, sprains, tape worm, long round worm, throat troubles, toothache and wounds; effective to rouse the dormant follicles to energetic action and rout out the disease-producing germs and make it easier for nature to heal the scalp; effective to prevent falling or splitting hair; to invigorate the scalp and keep it healthy and clean, and to bring out the real softness, freshness, and luxuriance of a healthy head of hair; effective as of great value in the treatment of such skin diseases as favus and other associated conditions and chronic dry seborrhea; effective to stimulate the sebaceous glands to healthy action; effective as a treatment, remedy, and cure for pustular eczema, ringworm, and quinsy; effective as a treatment for pyorrhea, salivation, painful gums, and loose teeth; effective to prevent discoloration and decomposition of organic matter, and as a mouth wash to leave the mouth sterile, fresh and clean; effective as a treatment for membranous croup, tonsillitis, bronchitis, laryngitis, hoarseness, simple sore throat, neuralgia, and acute inflammatory condition of the mucous surfaces of the mouth, nose, or throat; effective as a pain lenitive in eruptive conditions of the skin, such as itching eczema, scabies, dermatitis, pimples, hives, inflammation, blotches, and acne; effective as a treatment for scabies, favus, eczema, itching ezema, acute or chronic, wounds, sores, ulcers and snake bites; effective to reduce the swelling and allay the infection; effective for the relief of asthma in its worst form; effective as a relief for tender, sore, aching conditions of the feet; to remove soft corns; as a remedy for sloughing of the skin, and as a treatment for stiff ankles or joints; and effective as a treatment for sore throat, croup and membranous croup in babies.

On February 21, 1935, the defendants entered pleas of guilty and were each fined \$1.00.

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

24534. Misbranding of Etsam. U. S. v. Russell M. Evans. Plea of nolo contendere. Judgment of guilty. Fine, \$25. (F. & D. no. 33764. Sample no. 59001-A.)

This case was based upon the interstate shipment of a drug product known as Etsam, the labeling of which contained unwarranted curative and therapeutic claims.

On November 7, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Russell M. Evans, Hatboro, Pa., alleging shipment by said defendant in the name of the Etsam Manufacturing Co., in violation of the Food and Drugs Act as amended, on or about August 30, 1933, from the State of Pennsylvania into the State of New Jersey of a quantity of Etsam which was misbranded.

Analysis showed that the article consisted essentially of magnesium and ammonium hydroxides and carbonates, alcohol (2.8 percent by volume), and water flavored with volatile oils including lavender oil and lemon oil.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment for gallstones, stomach trouble, disease of the liver and gall bladder; effective to overcome liver and gall-bladder disease, to strike directly at the underlying fundamental cause, to eliminate this cause and to bring about permanent relief; effective as a treatment, remedy, and cure for the distressing symptoms of gallstones in the gall bladder, liver or bile ducts, such as chronic dyspepsia, spells of indigestion, sour stomach, heartburn, severe pains in the pit of the stomach about 2 hours after eating, biliousness, bilious colic spells, pain between shoulder blades, severe burning pains in right side or around the waist line below the ribs, intercostal neuralgia, sick headache, colic, constipation or diarrhoea, blues, piles, sallowness, yellow, blotched or itchy skin, bad complexion, gas on stomach or in bowels, anemia, pallor, poor blood, loss of memory, loss of vitality, languor, poor circulation with cold hands or feet, palpitation of heart, or fluttering, irregular or nervous heart, bad taste, coated tongue, light or clay colored stools, dizzy spells, yellow jaundice, vertigo, loss of sleep or nightmare, excessive loss or gain in weight, appendicitis, dyspepsia or ordinary indigestion; effective as a preventive of gallstone colic; to get right at the cause, stop the trouble, remove the symptoms, and give renewed health; effective to correct liver trouble symptoms, any chronic or periodical ailment of the stomach, liver or bowels; and effective to remove the reason for the formation of gallstones, and to increase the flow and strength of the solvo-secretory function, and to rally, fortify, reinforce, and assist nature in the elimination of gallstones.

On March 15, 1935, the defendant entered a plea of *nolo contendere*, was adjudged guilty and was fined \$25.

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

24535. Adulteration and misbranding of Dalginine Capsules. U. S. v. Fred. F. Wanner (Fred. F. Wanner & Sons). Plea of *nolo contendere*. Fine, \$25. (F. & D. no. 33785. Sample no. 58922-A.)

This case was based on an interstate shipment of drug capsules that contained smaller amounts of acetphenetidin and aspirin than declared on the label.

On November 21, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred. F. Wanner, trading as Fred. F. Wanner & Sons, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 4, 1934, from the State of Pennsylvania into the State of New Jersey of a quantity of Dalginine Capsules which were adulterated and misbranded. The article was labeled in part: "Capsules Dalginine Aspirin 2 grs. Acetphenetidine 2 grs. * * * Manufactured by Fred. F. Wanner & Sons Philadelphia, Pa."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the capsules was represented to contain 2 grains of aspirin and 2 grains of acetphenetidin; whereas each capsule contained not more than 1.82 grains of aspirin and not more than 1.81 grains of acetphenetidin.

Misbranding was alleged for the reason that the statements, "Capsules * * * Aspirin 2 grs. Acetphenetidine 2 grs.", borne on the label, were false and misleading, since the capsules contained less than 2 grains of aspirin and less than 2 grains of acetphenetidin.

On February 8, 1935, the defendant entered a plea of *nolo contendere*, and the court imposed a fine of \$25.

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

24536. Adulteration and misbranding of citrate of magnesia. U. S. v. Thomas E. Tolleson. Plea of *nolo contendere*. Fine, \$100. (F. & D. no. 33818. Sample nos. 39190-A, 39934-A, 39961-A.)

This case was based on interstate shipments of a product sold under the names "citrate of magnesia" and "solution citrate magnesia." Examination showed that the article failed to conform to the requirements of the United States Pharmacopoeia. Portions of the article were labeled as being as effective and more stable than the pharmacopoeial product, whereas it was not as effective nor was it more stable than the official product.