

district court an information against John W. White, trading as Dr. J. W. White, proprietor of White's Herb Manufacturing & Remedy Co., Bessemer, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 8, 1934, from the State of Alabama, into the State of Pennsylvania of a quantity of White's Herb Tonic which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs, alcohol (less than 1 percent), and water.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the bottle and package labels, falsely and fraudulently represented that it was effective as a system builder, and as a remedy for syphilis, blood poison, rheumatism, kidney and liver troubles, pellagra, indigestion, female troubles, pains in the back, hip joints, knees, gallstone, influenza and appendicitis; effective to take away that tired feeling, give a good appetite, and put flesh on the bones; and effective to cure scrofula. Misbranding was alleged for the further reason that the statement "We, the undersigned, do hereby guarantee that the articles of Food and Drugs listed herein or specifying the same are not adulterated or misbranded within the meaning of the Federal Food and Drugs Act, June 30, 1906, as amended. Dr. J. W. White, Proprietor of White Herb Mfg. & Remedy Co.," borne on the package label, was false and misleading since the article was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, as amended.

On March 12, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24643. Adulteration and misbranding of Anti-Caps. U. S. v. Arthur Petrie (Anti-Caps Co.). Plea of guilty. Fine, \$15. (F. & D. no. 33786. Sample no. 42836-A.)**

This case involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On October 20, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Petrie, trading as the Anti-Caps Co., Oklahoma City, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 9, 1932, from the State of Oklahoma into the State of Kansas of a quantity of Anti-Caps which were adulterated and misbranded.

Analysis showed that the article consisted of a base of petrolatum and wax containing small proportions of menthol and methyl salicylate. Bacteriological examination showed that it was not antiseptic under any conditions.

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, since it was represented to be antiseptic when used as directed, whereas it was not antiseptic when used as directed.

Misbranding was alleged for the reason that the statements, "Antiseptic", "antiseptic oil", "Antiseptic Capsules", and "antiseptic ointment", contained in a circular shipped with the article, were false and misleading, since the article was not antiseptic, it was not an antiseptic oil, not an antiseptic capsule, and was not an antiseptic ointment. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the package label and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a valuable health insurance; effective as a preventive of infectious bodily excretions, vaginal ulcers, and cancers, and effective as a valuable health preserver.

On May 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$15.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24644. Misbranding of Phospho. U. S. v. Mobile Drug Co. Plea of nolo contendere. Judgment of guilty. Fine, \$22.50. (F. & D. no. 33828. Sample no. 61235-A.)**

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

On December 17, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mobile Drug Co., a corporation trading at Mobile, Ala., alleging shipment by said company in violation of the Food