

**25040. Misbranding of Vin. Vigorans and Chalgonia tablets. U. S. v. 10 Bottles of Vin. Vigorans and 10 Packages of Chalgonia Tablets. Default decree of condemnation and destruction. (F. & D. nos. 35334, 35335. Sample nos. 19442-B, 19446-B.)**

This case involved drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The Vin. Vigorans was further misbranded since its name indicated that it was a wine, whereas it was not a wine.

On April 9, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Vin. Vigorans and 10 packages of Chalgonia tablets at Cincinnati, Ohio, alleging that the articles had been shipped in interstate commerce on or about January 14, 1935, by the LeCompte & Gayle Co., from Frankfort, Ky., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Vin. Vigorans consisted essentially of extracts of plant drugs, including 29 milligrams per 100 milliliters of the alkaloids of quinine and strychnine, an iron compound, glycerin, alcohol, and water; and that the Chalgonia tablets contained in each acetanilid (3.25 grains), sodium bicarbonate (1.55 grains), and starch.

The articles were alleged to be misbranded in that the following statements regarding their curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "Vin. Vigorans A Nerve and Blood Tonic"; "Chalgonia Tablets A Reliable Remedy For \* \* \* Insomnia, Sciatica, \* \* \* etc." Misbranding of the Vin. Vigorans was alleged for the further reason that the statement on the label, "Vin. Vigorans", was false and misleading, since the said statement indicated that the product consisted of wine, whereas it did not consist of wine.

On June 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

**25041. Misbranding of Hale's Phosphate of Soda Compound and thymol powder. U. S. v. 43 Bottles of Hale's Phosphate of Soda Compound and 10 Bottles of Thymol Powder. Default decrees of condemnation and destruction. (F. & D. nos. 35350, 35351. Sample nos. 29032-B, 29033-B.)**

These cases involved two drug preparations, one of which was represented to be a phosphate of soda compound, whereas it consisted essentially of sodium sulphate; and the other of which was represented to be thymol powder, whereas it contained but little thymol and consisted essentially of other substances. The labeling of both products contained unwarranted curative and therapeutic claims.

On April 10, 1935, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 bottles of Hale's Phosphate of Soda Compound and 10 bottles of thymol powder at Dover, N. H., alleging that the articles had been shipped in interstate commerce in part on or about September 24, 1934, and in part on or about February 19, 1935, by the J. V. Hale Co., Inc., from Boston, Mass., and charging misbranding in violation of the Foods and Drugs Act as amended.

Analyses showed that the Hale's Phosphate of Soda Compound consisted essentially of sodium sulphate (39.9 percent), sodium bicarbonate, and tartaric acid with small amounts of sodium phosphate (3.6 percent), potassium sulphate, and lithium citrate; and that the thymol powder consisted essentially of boric acid and ammonia alum with small amounts of phenol, menthol, and thymol.

The articles were alleged to be misbranded in that the statements, "Phosphate of Soda Compound" and "Thymol Powder", respectively, were false and misleading, since the former consisted essentially of sodium sulphate, and the latter contained only a small amount of thymol. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Hale's Phosphate of Soda Compound) "In the treatment of Gout or Rheumatism, or for derangements of the Stomach or Liver, \* \* \* In acute Indigestion, Alcohol Excesses, or \* \* \* when it is advisable to cleanse the entire alimentary tract"; (thymol powder) "Indicated

in the treatment of Leucorrhoea, Vaginitis, and all Abnormal Discharges,  
\* \* \* May be used as a local application to Ulcers, Wounds, Abscesses,  
etc."

On May 9, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

**25042. Misbranding of Slim. U. S. v. 62 Bottles and 6 Dozen Packages of Slim. Default decrees of condemnation and destruction. (F. & D. nos. 35458, 35692. Sample nos. 28597-B, 28640-B.)**

These cases involved a product which was labeled to convey the impression that it could be safely taken according to directions for the reduction of superfluous weight, but which contained an ingredient that might be harmful when so taken.

On May 6 and June 28, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 62 bottles and 6 dozen packages of Slim at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 19 and June 12, 1935, by the Slim Sales Co., Inc., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Samples taken from the two shipments were found to consist of tablets containing 1.197 and 1.115 grains, respectively, of dinitrophenol per tablet.

The article was alleged to be misbranded in that the following statements and design regarding the curative or therapeutic effects of the article were false and fraudulent, since they led consumers to believe that the product might safely be taken according to directions for the reduction of superfluous weight, which was not the case: Design of slender woman on carton and bottle label; (Carton) "Slim the Scientific Way to Reduce"; (bottle) "Slim a Physician's prescription prepared under his personal supervision to aid in safely reducing overweight. Send a self addressed stamped envelope to our medical director with any question in regard to weight reduction or skin irritation. Directions for using 'Slim' Take one Capsule after breakfast and one after evening meal every day. Bottle contains twenty-eight capsules sufficient for two weeks treatment." Misbranding was alleged for the further reason that the statement on the bottle label, "Each Capsule contains one grain of Alpha Dinitrophenol", was false and misleading, since the article contained materially more alpha dinitrophenol than stated.

On June 8 and August 13, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**25043. Misbranding of Sip O. U. S. v. 186 Bottles of Sip O. Default decree of condemnation and destruction. (F. & D. no. 35540. Sample no. 23158-B.)**

This case involved a drug preparation the labeling of which contained false and fraudulent curative and therapeutic claims.

On May 24, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 186 bottles of Sip O at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about January 14 and February 14, 1935, by the McCabe Drug Co., from Fargo, N. Dak., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant drugs, menthol, tar, chloroform, sugar, and water.

The libel charged that the article was misbranded in that the statements on the label, "For coughs \* \* \* a valuable remedy for coughs \* \* \* bronchitis, bronchial asthma \* \* \* whooping cough, sore throat, catarrh, hay fever \* \* \* hoarseness", constituted misbranding under paragraph 3 of section 8 of the Food and Drugs Act as amended.

On July 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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