

other things, as a skin remedy; effective as a treatment, remedy, and cure for pimples, bumps, itch, eczema, sore, tender and inflamed feet, itch between toes and fingers, face blemishes, blotches on face and neck, old sores, tetter, and skin complaints.

Sex-Co Restorative Tablets were alleged to be misbranded in that the box bore false and fraudulent statements that the article was effective, among other things, as a stimulant and aphrodisiac; effective to insure strength and energy; and effective as a restorative.

7As Pain Killer was alleged to be misbranded in that labels on the bottle and carton bore false and fraudulent statements that the article was effective, among other things, as a pain killer; and effective as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff, sore and swollen joints, and sore feet.

Cly-Tone Pain Killer was alleged to be misbranded in that the labels of its bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a pain killer; and effective as a treatment, remedy, and cure for pains such as rheumatism, toothache, lame back, stiff and sore joints, and sore feet.

7A's Iron Tonic was alleged to be misbranded in that labels on the bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a tonic; effective as a treatment, remedy, and cure for indigestion, stomach, kidney, and functional disorders of the liver, the true cause of blood troubles and many other diseases of the body; effective as a first aid to health; and effective as a treatment, remedy, and cure for chronic constipation and indigestion, the true cause of many diseases, such as stomach, kidney, liver, and blood troubles, and many other functional disorders of the body.

Ru-Co The Wonderful Health Laxative was alleged to be misbranded in that labels of its bottles bore false and fraudulent statements that the article was effective, among other things, as a health laxative; effective to aid in freeing the body of harmful waste material and toxic poisons, and to aid in correction of certain conditions causing sallow skin, pimples, and unsightly blotches; and effective to help reduce abnormal weight.

On September 20, 1935, a plea of guilty was entered and a fine of \$1,022.72 was imposed.

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

**25083. Misbranding of American Desert Tea. U. S. v. Russell A. Treacy and William Francis Newgrass, officers of the American Desert Tea Co., Inc., a corporation. Pleas of guilty. Treacy fined \$150; Newgrass, \$100. (F. & D. no. 33905. Sample nos. 40598-A, 56338-A, 56339-A, 60670-A.)**

Unwarranted curative and therapeutic claims were made for this product.

On June 7, 1935, the United States attorney for the Southern District of California, acting on a report by the Secretary of Agriculture, filed in the district court an information against Russell A. Treacy and William Francis Newgrass, secretary and acting manager, respectively, of the American Desert Tea Co., Inc., a corporation theretofore existing under the laws of California, and having a place of business at Los Angeles, Calif., and two others, alleging shipments by the several defendants, in violation of the Food and Drugs Act, on or about August 7 and October 18, 1933, and February 16, 1934, from Hollywood, Calif., to places in several other States, of quantities of American Desert Tea which was misbranded. The article was labeled in part: (Carton) "American Desert Tea Trade Mark Reg. U. S. Pat. Off. \* \* \* The Original Desert Nature Drink."

Analysis showed that the material contained in the article consisted essentially of a dry cut herb identified as a species of *Ephedra*.

The information was in 11 counts. The case was dismissed as to one of the two defendants who are unnamed in this notice of judgment, and as to the other thereof there has been no judgment on any count. All counts, excepting counts 1 and 3, were dismissed with respect to defendant Treacy, and all excepting count 7 were dismissed with respect to defendant Newgrass.

In the first count of the information, the article was alleged to be misbranded in that its cartons bore, and a circular enclosed in the cartons contained, false and fraudulent statements that the article was effective, among other things, as a health food; effective as a treatment, remedy, and cure for

a variety of troubles; to insure health, youth, and beauty, health of body and mind, and to promote sound and refreshing sleep; effective as a treatment, remedy, and cure for stomach trouble or acidity, insomnia, constipation, run-down blood condition, loss of appetite, intestinal influenza, flu, kidney and bladder trouble, gastric ulcers, arthritis of the knee, neuritis, swollen joints, different ailments, rheumatism, nervousness, paralysis, stomach and liver trouble, backache, and piles; effective as a builder and as a blood purifier; and effective to clean out the kidneys and intestines.

In the second count of the information, the article was alleged to be misbranded in that its cartons bore and a circular and leaflet enclosed in the cartons contained false and fraudulent statements the same as those set out in count 1, excepting the statement therein that the article was effective "as a builder", and the following additional false and fraudulent statements, to wit, that the article was effective, among other things, as a treatment, remedy, and cure for derangements of the system; effective as an invigorator and to give rest, better feeling, pep, vim, and vigor; effective to insure contentment, strength of body and mind; and effective as a treatment, remedy, and cure for restless and sleepless nights, arthritis, lumbago, diabetes, asthma, and catarrh; and effective as a tonic and to keep the system in a clean healthy condition.

In the seventh count of the information, the article was alleged to be misbranded in that its cartons bore, and envelopes and a circular enclosed therein, contained false and fraudulent statements the same as those set out in count 1, and the following additional false and fraudulent statement, to wit, that the article was effective to eliminate the uric acid from the blood.

On October 1, 1935, defendant Treacy pleaded guilty to counts 1 and 3 and was fined \$150, and defendant Newgrass pleaded guilty to count 7 and was fined \$100.

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

**25084. Adulteration and misbranding of Acco Aspirin Tablets. U. S. v. Feldman-Martin, Inc., a corporation. Plea of guilty. Fine, \$204. (F. & D. no. 33942. Sample nos. 39350-A, 43085-A, 49148-A, 68539-A, 68545-A.)**

Unwarranted curative and therapeutic claims were made for this article; its professed standard was higher than its actual strength, and an incorrect statement regarding its ingredients appeared on a container.

On July 10, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Feldman-Martin, Inc., New York, N. Y., charging that it had shipped from New York, N. Y., to places in several States in the period from February 1, 1934, to March 22, 1934, the article of drugs named in the caption hereof and which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Acco Aspirin Trade Mark Reg. Acco 5 Gr. Aspirin Albany Chemical Co., Albany, N. Y."

Analyses of samples showed a content of aspirin varying in quantity from 4.53 to 4.98 grains, and that some of the samples contained salicylic acid in quantities less than 0.25 grain.

Adulteration was charged under the allegation that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was charged under the allegation that the cartons, display cards, boxes, and circulars enclosed in the boxes bore and contained false and fraudulent statements that the article was effective, among other things, as a relief for painful periods, rheumatic conditions, and similar ailments; effective as a treatment, remedy, and cure for toothache, earache, rheumatism, lumbago, sciatica, and similar ailments; effective as a quick alleviation of influenza, rheumatism, and menstrual pains; and effective as a treatment, remedy, and cure for natural pains in women and other similar disorders; and under the allegation that the statement, to wit, "5 Gr. Aspirin \* \* \* Tablets", borne on the box containing the article, was false and misleading.

On November 22, 1935, a plea of guilty was entered and a fine of \$204 was imposed.

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