

itis bacteria; would be effective as a tonic for horses, mules, cattle, and sheep; would be effective to fatten pigs, to stimulate the appetite, to keep the appetite good and the digestive organisms vigorous, to cause the animals to thrive, and to keep the pigs growing.

On February 4, 1937, the W. T. Rawleigh Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26999. Misbranding of Dr. Gram's Grandmother Medicine. U. S. v. 38 Packages of Dr. Gram's Grandmother Medicine. Default decree of condemnation and destruction. (F. & D. no. 38937. Sample no. 28785-C.)

The packages of this preparation and an enclosed circular bore and contained false and fraudulent curative or therapeutic claims; and the circular also contained a misleading representation to the effect that the article was guaranteed by the United States Government.

On January 14, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 packages of Dr. Gram's Grandmother Medicine at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about September 18 and October 9, 1936, by Gram's Medicine Co., from Cuyahoga Falls, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of powdered plant material containing aloe, an emodin-bearing drug, and ginger.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the packages and contained in a circular enclosed therein, falsely and fraudulently represented that it would be effective for the treatment or relief of, or as a remedy for, all diseases of the blood, liver, kidneys, and stomach, for rheumatism, chills and fever, malaria, dyspepsia, sick or nervous headache, liver complaints, kidney complaints, neuralgia of the head or stomach, scrofula, billousness, costiveness, palpitation of the heart, erysipelas, and all syphilitic troubles; that it would be of benefit in the treatment of any disease of the lungs, throat or head, catarrh, asthma, diabetes, bronchitis, consumption, cancer, tumor, fits, spasms, heart disease, Bright's disease of the kidneys, hardening of the liver, or spinal complaint by putting the blood, liver, and stomach in order; that it would be effective as a blood purifier, alterative, tonic, and restorative; would cure disordered liver and would remove pain in the back in kidney complaints; and would relieve dyspepsia, loss of appetite, sour stomach, languid or sleepy feeling after meals, restlessness at night, and bad dreams.

The article was alleged to be misbranded further in that the statement contained in the circular enclosed in the packages, "Guaranteed under the Food and Drugs Act, June 30th, 1906. Serial No. 3089", was misleading in that it represented that the article had been examined and approved by the Government of the United States and that such Government guaranteed that it complied with the law; whereas the Government had not examined, approved, nor guaranteed said article.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27000. Adulteration and misbranding of cinchophen tablets, nitroglycerin tablets, and Warren-Teed Tablets Eu-Phedital. U. S. v. The Warren-Teed Products Co. Plea of guilty. Fine, \$800. (F. & D. no 37047. Sample nos. 15468-B, 48586-B, 48587-B, 64378-B.)

The cinchophen tablets, the nitroglycerin tablets, and the Warren-Teed Tablets Eu-Phedital contained a smaller quantity of cinchophen, nitroglycerin, and ephedrine sulphate, respectively, than that stated on the labels.

On December 1, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Warren-Teed Products Co., a corporation, Columbus, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, from the State of Ohio on or about July 1, 1935, into the State of Georgia of a quantity of cinchophen tablets that were adulterated and misbranded, on or about August 31, 1935, into the State of Georgia of a quantity of nitroglycerin tablets that were adulterated and misbranded, and

on or about March 19, 1935, and January 31, 1936, into the State of California of quantities of Warren-Teed Tablets Eu-Phedital that were adulterated and misbranded.

The cinchophen tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain 5 grains of cinchophen; whereas in fact each of the tablets contained not more than 3.82 grains of cinchophen. Said article was alleged to be misbranded in that the statement "Cinchophen 5 Grains", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 5 grains of cinchophen; whereas in fact each of the tablets contained not more than 3.82 grains of cinchophen.

The nitroglycerin tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain $\frac{1}{100}$ grain of nitroglycerin; whereas in fact each of the tablets contained not more than $\frac{1}{135}$ grain of nitroglycerin. Said article was alleged to be misbranded in that the statement, "Nitroglycerin $\frac{1}{100}$ Gr.", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained $\frac{1}{100}$ grain of nitroglycerin; whereas in fact each of the tablets contained not more than $\frac{1}{135}$ grain of nitroglycerin.

The Warren-Teed Tablets Eu-Phedital were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain one-half grain of ephedrine sulphate; whereas in fact each of the tablets in one shipment contained not more than 0.341 grain of ephedrine sulphate and in another, not more than 0.438 grain. Said article was alleged to be misbranded in that the statement, "Each tablet contains: Ephedrine Sulphate $\frac{1}{2}$ Gr.", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained one-half grain of ephedrine sulphate; whereas in fact each of the tablets contained less than one-half grain of ephedrine sulphate.

On January 28, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$800.

HARRY L. BROWN, *Acting Secretary of Agriculture.*