

On September 28, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Heinrich Chemical Co., a corporation, Minneapolis, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 15, 1936, from the State of Minnesota into the State of Wisconsin of quantities of the above-named drug products, which were misbranded. The articles were labeled in part: "Heinrich's Pain-a-Way" [or "Heinrich's Rheumatism Remedy" or "Heinrich's Medicated Ointment * * * Antiseptic"] * * * Heinrich Chemical Company * * * Minneapolis; "Heinrich's San-I-Cide Not Over 12% * * * The Heinrich Company. * * * Minneapolis."

Analyses showed that the Pain-a-way was a light yellow-brown liquid with a strong mustard-oil odor, and consisted chiefly of water, alcohol, mustard oil, and oil of cinnamon; that the rheumatism remedy consisted essentially of a hydroalcoholic solution of sodium salicylate, sugar, and a small amount of plant extractives; that the ointment was a white ointment containing camphor, oil of eucalyptus, and a very small amount of zinc oxide; and that the San-I-Cide was a red hydroalcoholic solution consisting essentially of zinc chloride, menthol, aromatics, and traces of formaldehyde.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the Pain-A-Way was effective as a treatment, remedy, and cure for pain in cramps, colic, ordinary diarrhoea and dysentery, rheumatic pains, swellings, and aching joints; that the rheumatism remedy was effective as a remedy for rheumatism and to eliminate rheumatic pains; and effective to increase the infection-combatting cells in the blood and to increase the bodily secretions, thus helping to eliminate rheumatic poisons; that the ointment was effective as a healing and penetrative treatment for all injuries and affections of the skin; and that the San-I-Cide was effective as a treatment, remedy, and cure for bleeding gums, sore throat, tonsillitis, canker, sore mouth, cuts, and wounds; and effective for its healing properties. The ointment was alleged to be misbranded further in that the statement "Antiseptic," borne on the jar label, was false and misleading since it represented that the article was an antiseptic, whereas it was not an antiseptic.

The San-I-Cide was alleged to be misbranded further in that the statements, "An Active Antiseptic * * * combined with * * * other well known antiseptics," and "Not over 12% alcohol," borne on the label, were false and misleading since they represented that the article was an active antiseptic combined with other well-known antiseptics, and that it contained approximately 12 percent of alcohol; whereas it was not an active antiseptic, was not combined with other well-known antiseptics, and did not contain approximately 12 percent of alcohol, but did contain not over 2.6 percent of alcohol by volume. The San-I-Cide was alleged to be misbranded further in that it contained alcohol and the label on the bottle failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On September 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$30.

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

27748. Adulteration and misbranding of quinine sulphate tablets and liniment, and misbranding of Mother Beach Stomach Tablets. U. S. v. The Shores Co., Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 38029. Sample Nos. 56207-B, 63158-B, 63203-B.)

This case involved quinine sulphate tablets which contained less quinine sulphate than declared, liniment which contained less alcohol than declared, and Mother Beach Stomach Tablets the labeling of which bore false and fraudulent curative and therapeutic claims.

On February 15, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shores Co., Inc., Cedar Rapids, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 28, 1936, from the State of Iowa into the State of Ohio of a quantity of quinine sulphate tablets that were adulterated and misbranded; on or about March 3, 1936, from the State of Iowa into the State of Wisconsin of a quantity of Mother Beach Stomach Tablets which

were misbranded; and on or about March 7, 1936, from the State of Iowa into the State of Minnesota of a quantity of liniment that was adulterated and misbranded. The articles were labeled variously: "Mother Beach Stomach Tablets * * * Buss-Beach Co., Chippewa Falls, Wis."; "Quinine Sulphate 2 Grains, The Shores Co., Inc., Mfg. Chemists, Cedar Rapids, Iowa"; "Shores * * * liniment 45% Alcohol External."

Analysis of the Mother Beach Stomach Tablets showed that they consisted chiefly of sodium bicarbonate, bismuth subnitrate, magnesium oxide, and a small amount of starch.

The quinine sulphate tablets and the liniment were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects: The quinine sulphate tablets were represented to contain 2 grains of quinine sulphate each; whereas they contained less than represented, namely, not more than 1.73 grains of quinine sulphate each. The liniment was represented to contain 45 percent of alcohol; whereas it contained less than represented, namely, not more than 37.7 percent of alcohol by volume.

The quinine sulphate tablets were alleged to be misbranded in that the statement "Quinine Sulphate 2 Grains," borne on the label, was false and misleading since the tablets contained less than 2 grains of quinine sulphate. The liniment was alleged to be misbranded in that the statement "45% alcohol," borne on the label, was false and misleading since it represented that the article contained 45 percent of ethyl alcohol; whereas it contained 37.7 percent of denatured alcohol. The Mother Beach Stomach Tablets were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, borne on the bottle label, falsely and fraudulently represented that they were effective as a treatment, remedy, and cure for stomach troubles, stomach ulcers, indigestion, dyspepsia, headaches, bloating, bad tasting breath, lack of appetite, gnawing empty feeling, lump in the stomach, and other stomach symptoms, and 75 percent of human ailments.

On September 28, 1937, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

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

27749. Misbranding of Simba. U. S. v. G. F. Foster Products Co. Plea of guilty. Fine, \$20. (F. & D. No. 37979. Sample Nos. 23164-B, 63058-B.)

The label of this product contained false and fraudulent representations regarding its curative and therapeutic effects. It was also labeled to create the impression that it was composed of roots and herbs; whereas it consisted in part of mineral matter.

On or about November 2, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. F. Foster Products Co., a corporation, St. Paul, Minn., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 25, 1935, and February 13, 1936, from the State of Minnesota into the State of Wisconsin of quantities of Simba that was misbranded. The article was labeled in part: "Simba * * * G. F. Foster Product Co., St. Paul, Minn. U. S. A."

Analysis showed that the article consisted essentially of a dark turbid hydro-alcoholic solution of plant material, Epsom salt, sodium salicylate, and an emodin-bearing drug.

It was alleged to be misbranded in that certain statements borne on the carton falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for disorders of the stomach, liver, kidneys, and blood when caused by constipation, auto-intoxication, and improper digestion. It was alleged to be misbranded further in that the statement "The Great Root and Herb Compound," borne on the carton and bottle, was false and misleading since it represented that the article consisted wholly of roots and herbs; whereas it consisted in part of mineral matter.

On November 2, 1937, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$20.

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