

**28744. Adulteration and misbranding of Dr. Hayssen's Supreme Goitre Tablets and misbranding of Dr. Hayssen's Supreme Goitre Ointment. U. S. v. Charles William Hayssen (The H. H. Hayssen Co.). Plea of nolo contendere. Judgment of guilty. Fine, \$200. Payment suspended and defendant placed on probation for 12 months. (F. & D. No. 39499. Sample Nos. 21615-C, 21616-C.)**

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects. The goitre tablets contained a smaller amount of potassium iodide than that declared.

On June 26, 1937, 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 Charles William Hayssen, trading as the H. H. Hayssen Co., at Mobile, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 13, 1937, from the State of Alabama into the State of Mississippi of quantities of goitre tablets and goitre ointment, of which the former was adulterated and misbranded and the latter was misbranded. The articles were labeled in part: "Mfg. by the Hayssen Laboratories"; or "Put up by the Hayssen Laboratories" \* \* \* Mobile, Ala."

Analyses showed that the tablets contained 0.163 grain of potassium iodide per tablet with inert ingredients such as sugar, starch, and talc; and that the ointment contained 8.5 percent of potassium iodide, with small quantities of turpentine and rose perfume in a petrolatum base.

The tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, since the box label bore the statement "1 Grain Potassium Iodide"; whereas each tablet contained less than 1 grain of potassium iodide, namely, only 0.163 grain thereof and also contained inert ingredients, sugar, starch, and talc.

The tablets were alleged to be misbranded in that the statement "One Grain Potassium Iodide" was false and misleading. Both products were alleged to be misbranded in that certain statements in a circular regarding their curative or therapeutic effects, enclosed in the packages, falsely and fraudulently represented that goitre could be scientifically absorbed by their use; that they would produce a remedial and alleviative effect in the treatment of goitre; that they had cured both goitre (enlarged thyroid glands) and tonsillitis (diseased tonsils); that they were godsend to suffering humanity; that they could not be recommended too highly; that they would "take away" pains occasioned by gall-bladder trouble, and rheumatism, nervousness, and goitre; that they could cause absorption and removal of the cause of goitre and tonsillitis, to wit, the roots, germs, and poisons of these diseases "which otherwise remain in the system"; that they were remedial and alleviative in the treatment of "Exophthalmia, inward goitre, tonsillitis, tumors, wens, cysts, etc."; that they were safe medication for the last aforesaid ailments and disorders and had been used successfully and had been recommended highly by leading physicians in this country since 1886; and that their general use in the treatment of goitre and tonsillitis would avert development of those ailments into sinus, gall-bladder, rheumatism, cancer, tuberculosis, and various other troubles.

The tablets were alleged to be misbranded further in that the box label bore false and fraudulent representations that the article "Never Fails to Give Relief From Goitre, (Enlarged Thyroid Glands) Tonsillitis; tumors, wens, cysts, Exophthalmia (Inward Goitre)"; and that it was "A Wonderful Blood Purifier and Builder and an Excellent Nerve Sedative."

On March 17, 1938, a plea of nolo contendere was entered by the defendant and he was found guilty and sentenced to pay a fine of \$200, payment of which was suspended and he was placed on probation for 12 months.

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

**28745. Adulteration and misbranding of rubber prophylactics. U. S. v. 36 Gross, 20½ Gross, and 43½ Gross of Rubber Prophylactics. Default decrees of condemnation and destruction. (F. & D. Nos. 41600, 42025. Sample Nos. 1089-D, 24928-D, 24929-D.)**

Examination of samples of these prophylactics showed that some of them were defective in that they contained holes.

On or about February 4 and March 24, 1938, the United States attorneys for the Western District of Pennsylvania and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 36 gross of rubber prophylactics at Pittsburgh, Pa., and 64 gross of the product at Columbia,

S. C., alleging that the article had been shipped in interstate commerce on or about September 17, 1937, and February 5, 1938, from Atlanta, Ga., by W. H. Reed & Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Master Pak"; "Three Flyers"; or "Nu-Pak."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the statements, (on all brands) "For the Prevention of Disease" and (Master Pak) "Guaranteed for 5 years," borne on the labels, were false and misleading.

On March 31 and April 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**28746. Misbranding of Dr. Sharpsteen's Vegetable Hindoo Oil, Dr. Sharpsteen's Vegetable Tablets, and Dr. Sharpsteen's Hindoo Salve. U. S. v. Verne Sharpsteen (Drs. H. & V. Sharpsteen). Plea of guilty. Fine, \$500. (F. & D. No. 39799. Sample Nos. 14650-C, 14651-C, 14652-C.)**

These products were misbranded because of false and fraudulent curative and therapeutic claims on the label. The Hindoo Oil was misbranded further because of the false and misleading implication that it had been examined and approved by a Government agency and that it was of Hindu origin, and the Vegetable Tablets were misbranded further because of the false and misleading implication that they had been examined and approved by a Government agency and that they consisted of substances used as foods.

On November 30, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Verne Sharpsteen, trading as Drs. H. & V. Sharpsteen, at Marshall, Mich., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 26, and February 27, 1937, from the State of Michigan into the State of Ohio of quantities of the hereinafter-described drug preparations which were misbranded. The articles were labeled in part: "Drs. H. & V. Sharpsteen, Marshall, Michigan."

Analysis of the Hindoo Oil showed that it consisted essentially of chloroform (15 percent by volume), saponifiable oils, and volatile oils including oil of sassafras, oil of cloves, menthol, and camphoraceous material. The vegetable tablets were of four kinds. Analysis showed that: (1) The brown-coated ones consisted essentially of ferrous carbonate, potassium and sodium sulphate, calcium carbonate, and plant drugs including a strychnine-bearing drug and a laxative plant drug; (2) the white-coated, of magnesium carbonate, calcium carbonate, and plant drugs including a strychnine-bearing drug and a laxative plant drug; (3) the red-coated, of ferrous, magnesium, and calcium carbonates and plant drugs including quinine and a laxative plant drug; and (4) the brown uncoated ones, of calcium carbonate and plant drugs including a laxative plant drug. Analysis of the Hindoo Salve showed that it consisted essentially of small quantities of chloroform and volatile oils, including oil of sassafras and oil of cloves, incorporated in a fatty base.

All the articles were alleged to be misbranded in that certain statements in the labeling, regarding their therapeutic and curative effects, falsely and fraudulently represented: In the case of the Hindoo Oil, that it was effective to alleviate the pain of dyspepsia, appendicitis, colic, stitch or lame back, gallstones, dropsy, rheumatism, la grippe, coughs, burns, all forms of inflammation, stomach worms, pinworms, fistula, piles, nasal catarrh, consumption, salt rheum, eczema, and the collection of gas in the stomach and bowels with pressure around the body; to enliven the skin and contraction of the flesh and to effect a quick change in moisture, warmth, and life to the soles of the feet and body; to produce quick action of the glands, especially the urinary glands; to soothe and alleviate (a) cramps at any place in the human body where they are not easily controlled and (b) pain in all portions of the human system, even to the soles of the feet; to alleviate dryness of the skin of the feet when due to poor blood circulation; to stimulate a glowing warmth in a condition of spleen chilliness after retiring at night; to cure, by removing, tapeworms, stomach worms, and pinworms; to soothe the heart, bronchial tickling, bowels, headache of the forehead and crown of the head; to alleviate darting pains, neuralgia of the eye, ear, face, teeth, gatherings in the head, la grippe, coughs, weak lungs, and whispery voice; to relieve pneumonia, rheumatism, toothache, ulcerated