

On July 21, 1938, Jack Rudolph and Albert A. Larche having entered pleas of guilty to the said charges of adulteration, the court sentenced them to pay fines in the total amount of \$300, and dismissed the misbranding charges against them. All charges were dismissed against the defendant Larche Laboratories, Inc.

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

**29262. Misbranding of Minnequa Water. U. S. v. 120 Bottles and 476 Bottles of Minnequa Water. Default decrees of condemnation and destruction. (F. & D. Nos. 42456, 42457. Sample No. 7930-D.)**

The labeling of this product bore false and fraudulent curative or therapeutic claims; and failed to bear a statement of the quantity of contents of the bottles.

On May 24, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 596 bottles of Minnequa Water at Bayonne, N. J.; alleging that the article had been shipped in interstate commerce on or about April 18, 1938, from Canton, Pa., by Minnequa Springs; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was a lightly mineralized water of the bicarbonate type.

It was alleged to be misbranded under the provisions of the law applicable to drugs in that the following statements borne on the label were statements regarding its curative or therapeutic effects and were false and fraudulent: "Keeps Blood and Excretions Alkaline, Increases Metabolism and Promotes Tissue Repair, Enhances the Action of Saliva, Bile and Intestinal Juices. Aids Interchange of Gasses in the Tissues and Lungs by Acting as Carbonic Acid Carriers. Indicated in Acid Dyspepsia, Constipation, Gall Stones, Gout, Diabetes, Skin Eruptions, Rheumatism, Neuritis and Obesity." It was alleged to be misbranded further under the provisions of the law applicable to food in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29263. Misbranding of Van-Tage. U. S. v. Van-Tage Medicine Co., Inc., Gilbert H. Mosby, and Ray H. Huber. Pleas of guilty. Fine, \$100 each. (F. & D. No. 38018. Sample No. 45728-B.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On November 16, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Van-Tage Medicine Co., Inc., Los Angeles, Calif., and Gilbert H. Mosby and Ray H. Huber, officers of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 22, 1935, from the State of California into the State of Colorado of a quantity of Van-Tage that was misbranded. The article was labeled in part: "Van-Tage Medicine for internal use \* \* \* Van-Tage Medicine Co., Inc., Los Angeles \* \* \* Cincinnati."

Analysis of a sample of the article showed that it consisted of the following: Water (91.0 percent), glycerin (6.25 percent), sugars (0.8 percent), salicylic acid (0.2 percent), benzoic acid (0.15 percent), caramel (1.0 percent), pepsin (0.1 percent), potassium iodide (0.1 percent), material derived from plant drugs including resins, flavoring, and coloring (by difference, 0.4 percent). These findings represented the ingredients found in the preparation. The amount was not the same for all samples examined.

The article was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented its curative and therapeutic effectiveness as a treatment, remedy, and cure for sick and ailing people; its effectiveness to restore health, to regain health, to make millions of sick people feel better, to have beneficial action upon millions of half-living men and women racked with pain, unable to eat and drink or enjoy the fullness of life, and to act upon the upper organs and bloodstream; its effectiveness as a treatment, remedy, and cure for any decided sluggish condition, stomach pains, stomach, bowel, liver and kidney ills, stomach gas, bloating, and kindred ailments; and its effec-

tiveness to stimulate the liver, release bile, cleanse impurities from the bowels, and to stimulate the stomach to proper digestion of food.

On May 9, 1938, pleas of guilty having been entered by the defendants, they were sentenced to pay fines in the total amount of \$600.

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

**29264. Adulteration and misbranding of Lund's Magic of the Grape. U. S. v. C. Harrison Lund (Lund's Grape Juice Co.). Plea of nolo contendere. Fine of \$10 on each of counts 1, 2, and 3; probation on remaining counts. (F. & D. No. 39778. Sample Nos. 17941-C, 20225-C, 27497-C, 27522-C, 27523-C, 28641-C.)**

This product was labeled to indicate that it was composed essentially of grape juice; whereas it consisted of water, dextrose, mineral matter, and only 20 percent to 33 $\frac{1}{3}$  percent of grape juice. Its labeling also bore false and fraudulent curative and therapeutic claims.

On November 10, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. Harrison Lund, trading as Lund's Grape Juice Co., Erie, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, within the period from on or about January 21, 1937, to on or about March 31, 1937, from the State of Pennsylvania into the States of New York and Massachusetts of quantities of Lund's Magic of the Grape, which was adulterated and misbranded. The article was labeled in part: "Lund's Grape Juice Co. Erie, Pa."

Analyses showed that it was a diluted grape juice containing dextrose and added mineral salts, certain of the samples examined containing about one-third grape juice and the remaining samples containing about 20 percent of grape juice.

The article was alleged to be adulterated in that water, dextrose, and mineral matter had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength. It was alleged to be adulterated further in that a mixture of water, dextrose, and mineral matter which contained in certain instances approximately 20 percent of grape juice, and in others approximately 33 $\frac{1}{3}$  percent of grape juice, had been substituted in whole or in part for a product composed essentially of grape juice, which it purported to be.

The article was alleged to be misbranded in that the following statements, (circular, all lots) "Lund's Magic of the Grape \* \* \* is pure natural food which does not require digestion. \* \* \* two or three quarts of Lund's per day furnishes energy for all usual occupation. \* \* \* Lund's Grape Juice Co.," (bottle label, all lots) "Magic of the Grape Prepared from the pure juice of U. S. No. 1 ripe Concord Grapes exclusively processed to preserve the grape tartrates \* \* \*. Lund's served in 2 $\frac{1}{2}$  ounce fruit-juice glasses at meals and as a refreshment between meals, is economical fruit. \* \* \* The skins are discarded as you discard them in the usual process of eating grapes, so that the cloudy purple coloring, which consists of compounds of tannic acid that disturb digestion, is eliminated. It offers the convenience of pouring your morning fruit from a bottle and has the same delicate flavor as the juice that flows into your mouth when you break a fresh ripe grape between your lips," (additional circular, certain lots) "Lund's Magic of the Grape is prepared from cold pressed natural color grape juice with grape sugar and no cane sugar. \* \* \* It is so rich in grape sugar, which is the normal blood constituent from which nearly all energy is derived, that no other food is required for ordinary activities during a fast. \* \* \* Lund's Grape Juice Co.," together with the device and design of grapes borne on the bottle label, were false and misleading and were borne on the labeling so as to deceive and mislead the purchaser since they represented that the article was essentially a grape product, namely, a product prepared from pure juice of U. S. No. 1 ripe Concord grapes; whereas it was not as represented but consisted of a mixture of water, dextrose, and mineral matter containing approximately 20 percent in certain lots and approximately 33 $\frac{1}{3}$  percent in other lots of grape juice. It was alleged to be misbranded further in that it was prepared in imitation of an article composed essentially of grape juice and was offered for sale and sold under the distinctive name of another article, grape juice. It was alleged to be misbranded further in that certain statements, designs, and devices in the labeling falsely and fraudulently represented that it was effective to mildly stimulate the internal organs; effective as a treatment and relief for those who are ill; effective to maintain energy during a period of fast; effective for every aggravated ailment and as a first treatment for all chronic ailments;