

the article would reestablish the chemical balance in the blood and tissues of the body; that use of the article was the only effective treatment for high blood pressure; that it would benefit persons suffering from high or low blood pressure within a period of one month or earlier; that the article, in raising low blood pressure and reducing high blood pressure, would not raise low blood pressure above normal nor reduce high blood pressure below normal; that it would cure and prevent slowed-down blood circulation and dropsy; that it was a chemical compound of far-reaching curative merit; that it would improve puny children so that even the school report cards of the children would show higher marks; that the article would cause the magnesium oxide in the nerve cells involved to be dissolved and replaced by calcium, and would restore the conductivity of the nerves; that it would cause to be generated the full amount of insulin necessary to neutralize the excess sugar in the blood; that insulin injections could be reduced safely or discontinued entirely, and the regular diet could be resumed safely by use of the article; that it would be beneficial for use in all cases of convalescence; that it would eliminate the necessity for nature's aid in the cure, mitigation, treatment, or prevention of all organic functional disturbances and all germ-caused diseases; and that it would be efficacious in the cure, mitigation, treatment, or prevention of diseases of the heart and other organic and functional disorders, including arthritis, heart trouble resulting from chemical changes in the nerve cells due to exertion in athletics, enlargement of the heart and damaged heart, arthritis of the spine, paralysis resulting from arthritis, heart disease due to high blood pressure, angina pectoris, diseases of the stomach, liver, and kidneys, slowed-down brain activity, rheumatism, neuritis, menopause, deficient or profuse menstruation, anemia, high and low blood pressure, general debility and weakness of the aged, diabetes, tuberculosis, troubles of the prostate gland, sinus trouble, nervous breakdown, disturbed gland action in puny children, hardening of the arteries, diseases which physicians are unable to diagnose and which do not respond to prescribed treatment, and all organic functional disturbances, and all germ-caused diseases.

The article was alleged in count 2 of both informations to be misbranded further in that its label failed to bear the common or usual names of the active ingredients of the article.

On June 22, 1943, the defendant having entered pleas of not guilty on count 1 and guilty on count 2, and the cases having been consolidated, trial was had before a jury on the issues involved in count 1. On June 29, 1943, the jury returned a verdict of guilty, and on July 1, 1943, the court imposed the following sentences: Count 1, \$250 and 30 days in jail in the event of the nonpayment of the fine; count 2, probation for a period of 2 years.

**1275. Misbranding of Sinu-Vita Emulsion, Sinu-Vita No. 1, Sinu-Vita Inhalant, and Sinu-Vita No. 2. U. S. v. Herman D. Seekamp (Sinu-Vita Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 11389. Sample Nos. 32017-F to 32020-F, incl.)**

On May 15, 1944, the United States attorney for the Eastern District of Missouri filed an information against Herman D. Seekamp, trading as the Sinu-Vita Co., St. Louis, Mo., alleging shipment of a quantity of the above-named products on or about February 19, 1943, from the State of Missouri into the State of Indiana.

Analysis of a sample of the Sinu-Vita Emulsion showed that it consisted of a dark brown, turbid liquid containing water, unidentified dextrans and sugars, small amounts of volatile oils including peppermint and eucalyptus, and wood creosote. The article was alleged to be misbranded (1) because of false and misleading statements on its label which represented and suggested that it would be efficacious in the cure and treatment of pneumonia, flu, and similar conditions, germ diseases, whooping cough, deep-seated coughs, tuberculosis, bronchitis, sore throat, and malaria; and (2) because of false and misleading statements in blue and buff circulars accompanying the article which represented and suggested that, when used alone or in conjunction with "Sinu-Vita Inhalant," it would be efficacious in the treatment and prevention of pneumonia, tuberculosis, and bronchitis, infection of the lungs or other area, head colds, cuts, burns, dark circles under the eyes, sunken cheeks, sallow complexion, rose and hay fever, tuberculosis of the throat and bones, large red blotches on the legs, tuberculous blotches, difficult breathing, daily elevation of temperature, lost strength, lost weight, pulmonary tuberculosis, and sinus infection; and that it would be efficacious to destroy tubercle bacilli; and to cause the diseased tissue to separate from the healthy tissue so that it could be coughed up and cause the lung to heal.

Analysis of the Sinu-Vita No. 1 showed that it consisted of a green, clear liquid containing, chiefly, unidentified saponifiable fixed oil and small amounts of pepper-

mint, eucalyptus, sassafras, turpentine, and lavender oils, and a minute amount of a phenolic substance resembling wood creosote. It was alleged to be misbranded (1) because of false and misleading representations on its label regarding its efficacy in the treatment of sinus headaches, head colds, and sore throat; and (2) because of false and misleading representations in pink, blue, and buff circulars, and in an order blank, regarding the efficacy of the article in the treatment of failing eyesight, pleurisy, sinus infection, affections of the nose and throat, pulmonary tuberculosis, infection of the lungs or other area, lost strength, lost weight, head colds, cuts, burns, dark circles under the eyes, sunken cheeks, sallow complexion, rose and hay fever, tuberculosis of the throat and bones, red blotches on the legs, tuberculous blotches, difficult breathing, and daily elevation of temperature; and representations that it would be efficacious to destroy tubercle bacilli, and to cause diseased tissue to separate from healthy tissue so that it could be coughed up and cause the lung to heal.

Analysis of the Sinu-Vita Inhalant disclosed that it consisted of a green, clear liquid containing, chiefly, a saponifiable fixed oil and small amounts of eucalyptus, sassafras, lavender, peppermint, and turpentine oils, a small amount of a phenolic material resembling wood creosote, and a minute amount of undissolved sodium sulfate. It was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of sinus headache, head colds, sore throat, tuberculosis, bronchitis, affection of the lungs, pleurisy, sinus disease, pneumonia, affection of the bronchi and lungs, infection of the lungs or other area, cuts, burns, dark circles under the eyes, sunken cheeks, sallow complexion, rose and hay fever, tuberculosis of the throat and bones, large red blotches on the legs, tuberculous blotches, difficult breathing, daily elevation of temperature, lost strength, lost weight, pulmonary tuberculosis, and sinus infections; and that it would be efficacious to destroy tubercle bacilli, and to cause the diseased tissue to separate from the healthy tissue so that it could be coughed up and cause the lung to heal.

Examination of Sinu-Vita No. 2 disclosed that it consisted of a small bottle and a small tin box. Analysis of the contents of the bottle showed that it consisted essentially of small proportions of volatile oils including oil of peppermint, oil of eucalyptus, oil of sassafras, oil of lavender, and turpentine, incorporated in a fixed oil and colored green. Analysis of the contents of the tin box showed that it was a semi-solid containing small proportions of volatile oils, including oil of eucalyptus and oil of peppermint, in a minute amount of ammonium alum incorporated in a petrolatum base. The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of hay fever, rose fever, sinus disease infection of the lungs or other area, head colds, cuts, burns, dark circles under the eyes, sunken cheeks, sallow complexion, tuberculosis of the throat and bones, large red blotches on the legs, tuberculous blotches, difficult breathing, daily elevation of temperature, lost strength, lost weight, pulmonary tuberculosis, and sinus infections; that it would be efficacious to destroy tubercle bacilli, and to cause the diseased tissue to separate from the healthy tissue so that it could be coughed up and cause the lung to heal; and that it would restore action of nasal cilia to a normal and healthy condition and lessen the chances of complicating hay fever with bronchial asthma.

All products were alleged to be misbranded further in that the name "Sinu-Vita" created the misleading impression that the articles were effective treatments for sinus diseases. Certain of the products were alleged to be misbranded further because the accompanying labeling contained false and misleading claims regarding other products, because the labels failed to bear a statement of the quantity of the contents, and because they failed to bear a statement of the common or usual name of each active ingredient, and the name and place of business of the manufacturer, packer, or distributor.

On May 23, 1944, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$25 on each of the 4 counts.

**1276. Misbranding of "For Blood and Kidneys" medicine. U. S. v. Charles Scheuerman (C. Scheuerman). Plea of guilty. Fine, \$100. (F. D. C. No. 11333. Sample No. 48310-F.)**

On February 7, 1944, the United States attorney for the Southern District of Ohio filed an information against Charles Scheuerman, trading as C. Scheuerman, Cincinnati, Ohio, alleging shipment of a quantity of a liver, blood, and kidney remedy on or about May 4, 1943, from the State of Ohio into the State of Kentucky. The article was labeled in part: (Bottle) "For Blood and Kidneys \* \* \* C.