219. Misbranding of Vegetable Cancer Compound. U. S. v. Richard A. Mason. Plea of guilty. Fine, $525 of which $500 was suspended. Defendant placed on probation for 3 years. (F. D. C. No. 933. Sample Nos. 78418–D, 80901–D.)

The label of this product bore false and misleading representations regarding its efficacy in treatment of the conditions indicated below.

On August 20, 1940, the United States attorney for the Southern District of New York filed an information in 2 counts charging Richard A. Mason, Chatham, N. Y., with shipment on or about July 1 and September 9, 1939, from the State of New York into the States of Pennsylvania and Ohio, of quantities of Vegetable Cancer Compound which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including a laxative drug, sugars, alcohol, and water.

Misbranding was alleged in that representations in the labeling that the article was a vegetable cancer compound; was effective for cancer, tumor, ulcer, and all blood diseases; and that by purifying the blood, the drug would assist nature to throw off impurities together with the design of a monogram containing the letters "V C C" on the labels, were false and misleading in that they represented that the article would produce beneficial results in persons suffering from cancer, tumor, ulcer, and all blood diseases by purifying the blood and assisting nature to throw off impurities; whereas it was not efficacious for such purposes.

On August 28, 1940, a plea of guilty was entered by the defendant and the court imposed a fine of $25 on the first count and $500 on the second count. Payment of the fine on the second count was suspended and defendant was placed on probation for 3 years.

220. Misbranding of Witsells Chocolate Quinine. U. S. v. 97 Bottles of Witsells Chocolate Quinine. Default decree of condemnation and destruction. (F. D. C. No. 1631. Sample No. 5426–D.)

The labeling of this product bore representations regarding its efficacy in the treatment of malaria, chills, and grippe; whereas it contained no ingredients of value as a treatment for grippe and did not provide a sufficient amount of quinine in the dosage recommended to constitute an adequate treatment for malaria or chills.

On March 14, 1940, the United States attorney for the Northern District of Alabama filed a libel against 97 bottles of Witsells Chocolate Quinine at Gadsden, Ala., alleging that the article had been shipped in interstate commerce on or about November 13, 1937, by Witsell Bros.-Dean Lilly Co. from Memphis, Tenn.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of quinine sulfate (1.8 grains per 100 cc.) water, sugar, chocolate flavoring, and alcohol (4 percent).

It was alleged to be misbranded in that its labeling bore representations that it was efficacious as a treatment for symptoms of malaria, chills, and grippe and that the dose was 1 to 2 teaspoonfuls followed by water, which were false and misleading since it was not efficacious for the purposes recommended.

On July 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

221. Misbranding of Healo Salve. U. S. v. 118 Retail Packages of Healo Salve. Default decree of condemnation and destruction. (F. D. C. No. 1799. Sample No. 10793–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in conditions indicated hereinafter. The net weight also was less than declared.

On April 12, 1940, the United States attorney for the Southern District of New York filed a libel against 118 retail packages of Healo Salve at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, from Springfield, Mass., by the Ericka Co.; and charging that it was misbranded. It was labeled in part: "The Magic Salve Healo * * * Net Weight 1⅜ oz. when packed."

Analysis showed that the article consisted essentially of petrolatum and volatile oils including oil of peppermint, thymol, camphor, and eucalyptol.

Misbranding was alleged in that representations in the labeling of the article regarding its efficacy in the treatment of headache, neuralgia, catarrh, toothache, congested lungs, pneumonia, rheumatic pains, stiff joints, swellings, asthma, hacking cough, sores, piles, hay fever, and eczema, were false and misleading