

the membranes, and would eliminate toxic deposits from the tissues, whereas they would not be efficacious for such purposes.

On April 28, 1943, the defendant having entered a plea of not guilty and a jury having been waived, the case came on for trial before the court. During the course of the trial the information was amended in order to strike the circular alleged to have accompanied the Alimentone Powder and Tablets, and to substitute a different circular. No amendment, however, was made to the charges based on the stricken circular hereinbefore set forth. The case was concluded on April 30, 1943, with a finding of guilt by the court. A fine of \$200 was imposed.

930. Misbranding of Tonico Fir-Veta. U. S. v. Genevevo Gonzales Garcia (El Modelo Medicine Co.) Plea of guilty. Fine, \$25. (F. D. C. No. 6416. Sample No. 7617-E.)

On December 22, 1942, the United States attorney for the Western District of Texas filed an information against Genevevo Gonzales Garcia, trading as El Modelo Medicine Co., at San Antonio, Tex., alleging shipment on or about November 25, 1940, from the State of Texas into the State of California of a quantity of Tonico Fir-Veta which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of strychnine and quinine salts, small portions of iron, calcium, manganese and potassium compounds including hypophosphites, alcohol, and syrup.

The article was alleged to be misbranded in that certain statements appearing in the circular accompanying the article were false and misleading since they represented and suggested that the article would promote, restore, and insure health; that it would be efficacious to increase resistance in children, relieve them of over-tension, strengthen their bones and enable them to gain weight and sleep more restfully, and would correct the causes of nervousness, poor health and lack of energy in children; that it would be efficacious to stimulate the appetite and give additional energy and would keep working girls physically fit, give them a good appetite, and increase their vitality; that it would maintain a high body resistance and ward off colds, croup, and other infections, and would be efficacious in the treatment of tired, nervous, disordered stomach and sluggish bowels, whereas the article would not be efficacious for such purposes.

It was alleged to be misbranded further in that the statements: "El Modelo Medicine Co. has complied with the new Federal Food, Drug and Cosmetic Act," and "The laws regulating the manufacture and sale of Drugs and Medicines for your protection, the new Federal Food, Drug, and Cosmetic Act, have been fully complied with by 'El Modelo Medicine Co.," appearing in the circular, were false and misleading since they implied that the article complied with the Federal Food, Drug, and Cosmetic Act, whereas it did not comply with such Act.

It was alleged to be misbranded further in that its container, a carton, was so made, formed, and filled as to be misleading, since the carton was much larger than was necessary to hold the bottle contained in it.

On January 22, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25.

931. Misbranding of Tuberculosis Compound. U. S. v. Emile Carpentier (Dr. Emile Carpentier, N. D.) Tried to court and jury. Verdict of guilty. Sentence, 1 year's imprisonment. Sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 7193. Sample No. 51921-E.)

On July 17, 1942, the United States attorney for the District of New Jersey filed an information against Emile Carpentier, trading as Dr. Emile Carpentier, N. D., at Hillsdale, N. J., alleging shipment on or about October 1, 1941, from the State of New Jersey into the State of Massachusetts of a quantity of a drug, described in the label as "Tuberculosis Compound," which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of plant material, sugars, a fatty substance, and water.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that it would cure, in from 6 weeks to 6 months time, tuberculosis of the lungs, the larynx, the bones, the intestines, the kidneys, and the brain, that it would be efficacious in the cure, mitigation, treatment, or prevention of chronic bronchitis, congested lungs, colitis, chronic gastritis, ulcerated duodenum, ulcerated stomach, and ulcerated intestines; that it contained tested exhilarating and vitalizing herbs, roots, and ingredients which would eliminate the germs ("bugs") of tuberculosis, were false and misleading, since the article would not be efficacious for such purposes.