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AN INTERESTING CASE.¹

BY LYMAN F. KEBLER.

Some twenty years ago I was drafted into work of the Post Office Department. During this time I have taken part in many interesting cases and gained much valuable information. The work has many angles. It is exceedingly fascinating in many ways. The public generally knows little about it. The druggists are not much better informed. Some manufacturers are acquainted with certain phases. Drug journals have given it little attention. Some advertising agencies are well informed on the subject and others tell their clients that they know all about it. In view of the above it is believed desirable to make public more of our doings for the benefit of the honorable mail order business and the enlightenment of the public.

It is quite common for various parties using the mails for the conduct of their business, when called on to explain certain features, to profess profound ignorance of wrong doing or of violating any law. Others feel aggrieved because there are no provisions which will enable them to get governmental information in advance as to whether or not a venture is legal before engaging therein. They want a sort of board that will tell them just how far to go and be safe.

Some say "we guarantee all of our transactions." Others assert that they have an abundance of testimonials to justify every claim and representation they make. There are still others who tell us that they do not claim to effect the various

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alleged cures but that their testimonial givers do and they have a right to use their testimonials. In fact, some admit that the alleged cures claimed cannot be effected. A guarantee does not warrant anyone making untruthful claims and representations in the conduct of any business. Moreover, many of the guarantees are tied up with jokers or are not respected. In connection with testimonials it is only necessary to say that various parties may have the right to use such testimonials but in so doing they make them their own and become responsible for the statements contained therein.

The public is largely sold on testimonials. At first they impressed me. Later, their value was shocked out of me through the hearings in many cases. Every one using testimonials in any line of business will tell you of their tremendous value as an advertising asset. But testimonials are cheaper than water and the worst of abominations. Many of our fellow men, and some, far from ignorant, seem to literally fall all over themselves in commending the most useless of concoctions. A well-known chemist, engaged in Government food work, fell for one of the old-time prescription scheme fakes and considered it wonderful. The whisky was the lure. Most of the testimonials are voluntarily given but some are still purchased.

With your permission attention is called to a few schemes known to me personally that have gone to their rest. As a part of the defense of an alleged radium cancer cure the defendant, a physician under an alias, brought to Washington seven trunks full of testimonials and affidavits. These trunks lined the halls of the Post Office building. It was an imposing array. The promoter never had occasion to use any of the testimonials to advantage because it was early shown that the alleged cancer treatment did not contain any more radium or radium emanation than Potomac river water. Its magic had flown and with it the testimonials. A court case at the time was pending against the alias doctor under the Food and Drugs Act. His attorney told me that a pool of \$50,000 had been raised to defend the case and contest the status of that law but the action of the Post Office Department ended the matter.

Several years ago someone conceived the idea of making nickel-plated tubes with electric wires attached to the ends. These tubes were filled with various substances, usually inert. The electric element was largely a myth, yet testimonials poured in by the thousands. The promoter in one case, and there were about a dozen, took especial pride in displaying scores of testimonials he had received from clergymen. The divines are among the easiest of marks. These ministers' testimonials are usually genuine but wholly worthless. All these nickel-plated gas pipe therapy schemes were forced out of business, but not without a struggle. One was carried through several courts before it finally subsided.

The celebrated eye water case is another one. The scheme consists in dropping into the eyes an aqueous solution containing about 5 per cent each of salt and sugar. The cures are alleged to be effected by the mixture following the optic nerve. From the claims made and the thousands of testimonials exhibited, one might have been led to believe that it was a panacea for all human ailments, including blindness, gun shot wounds, tuberculosis of the spine, etc. The promoter received a heavy fine and served time. He is now living in splendor on his ill-gotten gains.

Another treatment of alleged divine origin consisted of olive oil, two parts; alcohol, one part; and water, one part, colored pink. This mixture was sold in fourteen differently numbered, eight-ounce bottles, all of the same composition, excepting as to flavor. The flavor, by the way, was the alleged potent agent in each bottle. A bottle was a dose. These mixtures were alleged to cure everything from cancer to ingrowing toe-nails. The promoters even claimed that one of these flavored mixtures would grow eyes for the blind and testified that he believed it would grow fingers but had never tried it. There were testimonials galore.

Testimonials do not all come from laymen. Medical men contribute their share and even appear in person to testify in behalf of some of the worst of frauds. They often protest vigorously against being aligned with the deceitful scheme. Some claim that they are simply testifying as to scientific matters; others that they are doing it for friendship's sake. Whatever may be the underlying motive, they are tainted or marked by the scheme for which they testify. They are using their influence to give certain frauds a clean bill of health. Certain physicians seem to vie with one another in giving testimonials as to the curative value of certain mineral waters, because of their supposed lithium content or what not. Examinations of some waters so testified for, showed that these various substances were either absent or present in such infinitesimally small amounts as to be therapeutically worthless. Barrels full of these waters often do not contain an attenuated homeopathic dose.

Permit me now to call your attention to some of the salient features of "An Interesting Case" recently denied the use of the mails. The "Scientific Research Laboratories" placed several products on the market for reducing overweight, *viz.*, Sangrina Tablets, Dr. Folt's Soap and Sangra Salts. Each one in turn was alleged to reduce any obese person to slim, slender, graceful, trim ideal proportions and normal weight.

San-Gri-Na originally was primarily a laxative, containing sulphur, cream of tartar, phenolphthalein, phytolacca, leptandrin, calcium carbonate, starch and talc. Later thyroids were added. The reason for this change was laid at the door of the manufacturer. Attempts are frequently made to discredit the chemist's findings. My experience is that the chemist's results usually represent the facts pretty closely. His results are sometimes challenged but when the wrinkles are finally ironed out, there is little real difference between the findings and the claimed composition.

Here are a few of the claims made for San-Gri-Na so largely advertised in the past. A French discovery brought to this country by the French beauty specialist, Madame Elaine, whose weight was reduced 50 pounds in 60 days by using the tablets without diet or exercise or any other inconvenience. The no diet and no exercise appeals to many overweight men and women. They are willing to swallow any drug but reduce the intake of the fat-forming foods only as a last resort. They do not seem to object to the exercise caused the inner man by the laxatives, which are the chief assets of some of the reducing schemes.

After the treatment was purchased it was found necessary to use in addition certain French Laxative Pills and that the best results were obtained with diet and exercise. The composition of San-Gri-Na shows to what extent it is a French Discovery. The alleged French Beauty Specialist wrote most of the deceptive

advertising matter; Madame Elaine admitted the French Laxative Pills never saw France, and no Scientific Research Laboratory ever existed.

Sangrina tablets were claimed to be the discovery of a famous scientist by the name of Dr. Narbonne of France, the alleged discoverer of the real cause of obesity. This mythical famous scientist was not brought out into the open. His alleged discovery consisted in the finding of fat particles in the blood of obese persons and that San-Gri-Na made way with this fat. There was no discovery here. Sufficient purgation will carry away some fatty matter resident in the bowels. It cannot pull it out of the blood.

Dr. Folts reducing soap came next on the scene. This soap it is claimed will do just what San-Gri-Na was supposed to do, except that its action was more particularly in spots. It is just an ordinary colored soap containing a trifle of soluble iodides. It was also claimed that the soap is not made from fatty materials.

Double chins, large hips, busts, arms, ankles, abdomens, etc., were made to vanish by making a good lather on the parts morning and evening, rubbing in a circular motion for a few minutes or until the lather is absorbed, then washing off with cold water. The process was to be continued until one reaches normal weight. This means the rest of the users natural life.

The obese are also directed to take three very hot baths a week, if possible, rubbing the soap on the parts to be reduced and lying in the soapy bath for ten minutes, then rinsing well and drying. It is just a washing away of the fat. A dear old lady about 80 saw some of these soap advertisements and wrote a friend respecting its washing off properties:

"I certainly would like to wash off some of my bay window both back and front."

The soap-reducing schemes are among the worst type of hocus pocus impositions ever brought to my attention.

Sangra Salts, another alleged French discovery, "The original French scientific combination of imported mineral salts guaranteed to act on unhealthy fatty tissue." It proved to be Epsom salts colored lavender and flavored lavender. Sangra Salts was represented as another essential weight reducer, especially large legs, arms, hips and rolls of fat on the body.

A package of about seven ounces of Sangra Salts was to be dissolved in a bath tub full of hot water—as hot as the patient could bear it—and the patient remain therein for 20 minutes. This is just a modified form of Turkish bath. Hot baths are useful, but in, and of themselves, will not eliminate fat, in spots or otherwise. It is simply a sweating process. The loss lasts only while the bathing is going on and food and drinks are withheld. One package of Sangra dissolved in a bath tub full of water makes a concentration of .2 of 1 per cent.

The same parties from the same office but another address around the corner under the name of Silph Medical Company put Silph Chewing Gum on the market. Its composition was similar to the Sangrina Tablets. It contained in addition pepsin, pancreatin and chicle. The claims were made that the gum did not contain thyroids but the contrary was true. Similar weight-reducing claims were made for this gum as for the other products promoted by the same parties.

The following are representative claims made for the chewing gum: A new marvelous, scientific discovery; ugly, unsightly rolls of fat disappear; it is neither a laxative nor a drug; gives lasting relief; dissolves fatty tissues; Silph does the

job; brings back youthful slenderness; contains no thyroids; Silph will make you Silph-like; sea plants dissolve fatty tissues in the body. All of these claims are either misleading, deceptive or false.

The promoters of these several products were asked in due time to explain certain representations in connection with their use of the mails in the sale of the same. At the hearing, certain writers were cited as a general defense of some of the claims. By these self-same authorities the Government shows that the defendant's position was wholly untenable. No defense was made for either Dr. Folts soap or the Sangra Salts. It was alleged that these products had been discontinued. Dr. Folts proved a myth. The defendant's position, in general, was that the old-time advertising matter and method of doing business had been entirely revamped. There was nothing for the Postmaster General to act on. It was freely announced that if a fraud order were issued the case would be taken into court immediately and an injunction obtained to set it aside. A fraud order was issued. The case was taken into court. The promoters soon realized that they had no standing there and withdrew the case. They next sought to have the Post Office Department revoke the fraud order. This move was unsuccessful and all mail addressed to the names covered in the fraud order is being returned to senders stamped "Fraudulent."

During the investigation it was disclosed that the gross receipts during the year were about \$500,000—one-half a million dollars taken away from the public unfairly. In the petition for revoking the order appears the following:

"The cost of the goods is approximately 15 per cent, plus overhead, which leaves the average profit about 25 per cent." From this, one may assume that the average profit was 25 per cent, \$125,000 is worth a struggle, before finally subsiding.

Attention is now called to certain Federal laws with the hope that some good may come of it. The most effective and most commonly invoked are the postal fraud statutes; one withdraws the privilege of the mail and the other, the penal or criminal law, metes out punishment in the way of a fine or imprisonment or both. If the Postmaster General is satisfied that a business is taking away money fraudulently he is empowered to issue a fraud order denying the use of the mails, stamping the mail matter fraudulent and returning it to the sender.

The conspiracy statute may be invoked against all parties involved where two or more persons conspire to conduct a fraudulent scheme through the mails; and it is only necessary that one or more of such parties do some act to effect the object of such conspiracy. Undoubtedly many advertising agencies offend this law. Horance J. Donnelly, Solicitor of the Post Office Department, before whom fraud order cases are heard, states: "The Department has connected up some of these crooked advertising agencies with these fraudulent schemes and appropriate action has been taken against them. Others may expect to share the same fate when they are found to be parties to the fraud."

It may be said that most of the medical mail order rogues are too ignorant to make any headway of their own knowledge. The schemes would die aborning without the skilled assistance of the modern advertising agency. They would fail without the aid of clever advertising copy writers. Manufacturers at times devise their formulæ and furnish the ammunition which enables these rascals to separate the public from its money and perchance impair health.