1336. Misbranding of Nox-A-Boil Tablets. U. S. v. 17 Packages and 48 Vials of Nox-A-Boil Tablets. Default decree of condemnation and destruction. (F. D. C. No. 12333. Sample Nos. 59774-F.)

On June 5, 1944, the United States attorney for the Northern District of Illinois filed a libel against 17 60-tablet packages and 48 30-tablet vials of Nox-A-Boil Tablets at Chicago, Ill., alleging that the article had been shipped between the approximate dates of February 27, 1943, and March 27, 1944, by the Noxaboil Laboratories, from Fenton, Mich.

Analysis indicated that the article contained principally starch, sugars, calcium carbonate, fat, silica, and small proportions of other constituents, including magnesium and phosphorous compounds.

The article was alleged to be misbranded in that the designation "Nox-A-Boil," the firm name "The Noxaboil Laboratories," and certain statements in the labeling, were false and misleading since they represented and suggested that the article would be an adequate treatment for boils, pimples, carbuncles, furuncles, infected lacerations, sprains, bruises, cuts, abscesses, ulcerated teeth, sore throat, tonsilitis, canker sores in the mouth, discharging ears, infected wounds, and other septic infections, whereas it would not be efficacious for such purposes. It was alleged to be misbranded further in that it failed to bear labels containing an accurate statement of the quantity of the contents of the package and vial.

On July 24, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1337. Misbranding of Kotalko. U. S. v. 1½ Dozen Packages of Kotalko. Default decree of condemnation and destruction. (F. D. C. No. 12165. Sample No. 50272-F.)

On April 10, 1944, the United States attorney for the Western District of Pennsylvania filed a libel against 1½ dozen packages of Kotalko at Pittsburgh, Pa., alleging that the article had been shipped on or about January 13, 1944, by the Block Drug Co., from Jersey City, N. J.; and charging that it was misbranded.

Examination showed that the article consisted essentially of an ointment containing, among other ingredients, turpentine and a camphoraceous oil. The box containing the ointment occupied only 32.1 percent of the volume of the carton. The average net weight of the ointment in the box was 0.86 ounce, which was 37.8 percent below the declared 1⅜ ounces.

The article was alleged to be misbranded (1) in that the statements in the circulars entitled, "Kotalko Dictory" and "Important Truth Revealed," enclosed in the carton containing the article, which represented and suggested that the article would encourage hair growth, decrease dandruff, retard excessive hair loss, beautify the hair, maintain healthy, beautiful hair growth, stimulate and invigorate the scalp circulation, and encourage the hair roots into active vitality, were false and misleading since the preparation contained no ingredients or combination of ingredients capable of producing the effects stated or implied; (2) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents, since the statement which appeared on the label was incorrect; and (3) in that its container was so made, formed, or filled as to be misleading, since the carton was materially larger than was necessary to hold the contents.

On May 15, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1338. Misbranding of Obeto. U. S. v. 1,175 Ampuls of Obeto. Default decree of condemnation and destruction. (F. D. C. No. 12955. Sample No. 53727-F.)

On July 15, 1944, the United States attorney for the Southern District of California filed a libel against 1,175 ampuls of Obeto at Los Angeles, Calif., alleging that the article had been shipped on or about March 23, 1944, by the Ziegler Pharmacal Co., from Buffalo, N. Y.

Examination showed that the article was a water solution in ampuls, each cubic centimeter of which contained an extract from 1 grain of thyroid.

The article was alleged to be misbranded (1) in that it was fabricated from two or more ingredients and was not designated solely by a name recognized in an official compendium, and its label failed to bear a statement of the quantity or proportion of thyroid or a preparation of thyroid contained therein; and (2) in that the statement on the carton containing the article, "Active principles of adrenal cortex, anterior pituitary, thyroid, ovarian, lymphatic, pituitary posterior, thymus," was misleading since the