**6313. Misbranding of Phenol-Sodique. United States * * * v. 54 Cases * * * of Phenol-Sodique. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 6821. I. S. No. 5373-k. S. No. E-371.)

On or about August 25, 1915, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 54 cases, each containing 1 dozen bottles of Phenol-Sodique, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped on or about July 10, 1915, by Hance Bros. & White, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Phenol Sodique Haemostatic, Antiseptic and Disinfectant. Proprietors: Hance Brothers & White."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the cartons, labels, and accompanying circulars concerning the effects of the product were false and misleading, since the article contained phenol, a poisonous substance, and was ineffective as a disinfectant for the purposes mentioned when used according to directions, as described on the carton, circular, and bottle label accompanying the shipment, as follows:

> "Non poisonous. It is entirely safe; and its use is not attended with the danger which necessarily accompanies the use of dangerous drugs or preparations such as carbolic acid * * *."
>
> "Disinfecting rooms, impure and unhealthy localities. Place in the apartments shallow vessels containing sawdust or sand moistened with Phenol Sodique, or sprinkle a solution of Phenol Sodique about the apartment. * * * as a disinfectant in hospital dressing, for sick rooms and all impure and unhealthy localities; to prevent the spread of contagion in epidemics, yellow, typhoid and scarlet fevers, cholera, etc."

Misbranding of the article was alleged for the further reason that it contained no ingredients or combination of ingredients capable of producing the following therapeutic effects claimed on the label, carton and circular, accompanying the shipment:

> (On bottle label and carton) "Used externally as a dressing for all kinds of * * * varicose veins, venomous * * * bites; * * * after extraction of teeth—and to prevent subsequent soreness of gums; * * * as a gargle * * * , scarlatina, diphtheria; in fœtid discharges from the ear; ozena and affections of the antrum; as an application * * * eruptive diseases, as an injection for the expulsion of ascarides, for leucorrhoea, and other abnormal discharges from the uterus and vagina; * * * to prevent the spread of contagion in epidemics, yellow, typhoid and scarlet fevers, cholera, smallpox, etc."

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> "Phenol Sodique is a wonderful remedy for nearly all the diseases that horses, cattle, sheep, dogs, fowls, other domestic animals and poultry are likely to be afflicted with. It cures * * * foot and mouth diseases * * * ."

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> "Piles.—Bleeding piles * * * .
>
> "Poisoning by poison vines * * * .
>
> "Skin eruptions from irritating substances * * * ."

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> "Internally it is indicated as a remedy in these and other contagious diseases, infectious fevers, cholera infantum, etc. In chronic catarrh it is highly recommended * * * ."

"* * * heals and cures * * * burns, carbuncle, catarrh, * * * erysipelas, * * * hemorrhages, gangrene, itchings, piles, scalds, sprains, * * * swollen veins, * * * ulcers, virus, venomous bites * * * whitlows, wounds. * * * ."

(In circular) "* * * Phenol Sodique * * * . Being alkaline and germicidal renders it particularly more valuable than any other remedy for all diseases or troublesome conditions of the gums or teeth; or the shrinking of the gums (Rigg's Disease).

"In the treatment of nasal catarrh and unhealthy conditions of the natural cavities * * * .

"* * * is superior to other Antiseptics.

"* * * is free from * * * toxic properties * * * .

"Burns and scalds * * *. It * * * prevents the evil effects of shock.

"Bunions * * * .

"In the treatment of severe, incised, lacerated * * * wounds * * * .

"In all cases of cuts and bruises Phenol Sodique heals quickly * * * .

"Sore mouth, following dental work, can be speedily corrected * * *.

"Colds, Grippe, Influenza * * * .

"Catarrh * * * .

"Carbuncles * * * .

"Eczema * * * .

"Erysipelas * * * .

"Gangrene * * * .

"Hay Fever, Rose Cold * * * .

"Hemorrhages, Nasal, etc. * * * .

"Ivy, Dogwood and Oak Swamp Poison * * * .

"Itch and Brown Tail Moth Poison * * * .

"Leucorrhoea and whites * * * remedy for disorders peculiar to women * * * .

"Piles or Hemorrhoids * * * .

"Rheumatism, Rheumatic and Acute Pains * * * .

"Sore Throat and Tonsilitis * * * .

"Shingles * * * .

"Swollen Veins * * * .

"Toothache * * * .

"Ulcers * * * ."

On June 24, 1918, the said Hance Bros. & White, a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*