

**3753. Misbranding of "Maignen Antiseptic Powder." U. S. v. 5 Cartons \* \* \* "Maignen Antiseptic Powder." Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 6006. I. S. No. 1703-k. S. No. E-122.)

On October 15, 1914, the United States attorney for the Southern District of New York, 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 5 cartons, more or less, each containing one dozen varying sized retail packages of a product known as "Maignen Antiseptic Powder," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about August 11, 1914, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

It was alleged in the libel that the product was misbranded in that the packages, circulars, wholesale and retail cartons in which said product was packed, contained the following statements as to the curative and therapeutic effect of said product and of the ingredients and substances contained therein, to wit: (On packages) "Maignen Antiseptic Powder—Maignen Pulv. No. 1. A combination of non-poisonous mineral salts. A perfect Germicide which can not injure the healthy tissues indicated. To Sterilize the Respiratory Tract by inhalation as a dry powder. Also to sterilize wounds and injuries to the skin and mucous membrane by washing with fresh solution as directed. Maignen Chemical Co., Philadelphia, Pa." (On retail carton) "To prevent blood poisoning, lockjaw, hydrophobia and infectious disease." "Sterilize fresh wounds and injuries with a solution of 'Maignen Antiseptic Powder'." (On box and retail carton) "A perfect Germicide which can not injure the healthy tissues. To Sterilize the Respiratory Tract by inhalation as a dry powder. To sterilize wounds and injuries to skin and mucous membrane wash with fresh solution as directed." (On circular) "Instructions for the Sterilization of the Mucous Membrane. In common cold, catarrh, rose cold and hay fever, influenza, bronchitis and bronchial asthma, pneumonia, tuberculosis of the throat and lungs, gastric catarrh and gastro-intestinal fermentation." "Sterilization of the nose." Sterilization of the post-nasal cavity." "Sterilization of the throat." "Sterilization of the Stomach." "(c) For Gastro-Intestinal troubles, such as Typhoid Fever, Dysentery, and Cholera, which are the most serious forms of catarrhal inflammation, take half a tumbler or a whole tumbler of hot water with half the quantity of Powder raised on a dime every hour, and between times a glass of generous wine. Remarks The sterilization recommended here is a plain disinfecting process which does not interfere with medical treatment. It is, on the contrary, of great assistance to it. It has been found very effective in breaking up the cigarette habit. It does away with the craving by removing the morbid irritation of the mucous membrane. When you are not quite sure of the purity of the drinking water, add a pinch of Maignen Antiseptic Powder to the water in the glass to sterilize it and make it safe to drink." "Sterilization of the lungs." "In Bronchial Asthma, the inhalation of the Antiseptic Powder should be practiced whenever the sufferer is oppressed, also each day for a few minutes at the same hour. He is to continue swallowing the cloud day after day until the viscous matter which is choking him and producing wheezing has been raised. Sufferers from Tuberculosis should also inhale the Powder; and, in addition, they should add the quantity of Powder raised on a dime to every tumbler of milk they drink, and half the quantity to every glass of water." "Sterilization of the eyes in catarrhal conjunctivitis and other inflammatory conditions of the eyes." "Sterilization of the Gums and Mouth in gingivitis, receding gums, stomatitis—the mucous membrane returns to normal." "Sterilization of the Genito-urinary tract." "Sterilization of the nose, throat, lungs, stomach, intestines, genito-urinary tract, skin injuries, mosquito bites, sunburn, etc." (On the wholesale carton) "Antiseptic Powder—A scientific germicide for

external and internal use. To sterilize the Nose and Throat in cases of 'Common Colds' and Catarrh, Hay Fever and Rose Cold, Bronchitis and Asthma and all troubles of the Respiratory Tract. To sterilize the Mucous Membrane in case of Indigestion and Gastro-Intestinal Troubles. To Sterilize the Skin and Injured Tissues in cases of Cuts, Scratches, Bites, Stings, Burns, Wounds, Eczema, Ivy Poisoning and Ulcers. To Sterilize the Mouth in cases of Receding Gums and Abscesses." (Side) "For Colds and Catarrh, Hay Fever and Asthma, Bronchitis and other Lung Troubles.—For Throat Troubles, Gargle and Hold Antiseptic Solution in Throat and swallow." (Other side) "To avoid contagious diseases sterilize your hands and face, nose and throat. Wash, sniff and gargle with Antiseptic Solution." (Closing flap) "A Perfect Germicide—To sterilize wounds and Injuries to the Skin and Mucous Membrane;" whereas, in truth and in fact, the said product consisted essentially of 51 per cent water-insoluble material composed of calcium carbonate, and 49 per cent soluble material composed of borax, aluminium sulphate and sodium carbonate, and the product contained no ingredient nor combination of ingredients capable of producing the curative and therapeutic effects claimed upon the packages, circulars, and wholesale and retail cartons as aforesaid. It was further alleged in the libel that the statements set forth in the last paragraph were false and fraudulent in that said product and the ingredients and substances contained therein were incapable of producing the curative and therapeutic effects in said statements claimed. And it was alleged further that the words "Antiseptic Powder," forming a portion of the name of the product, were misleading in that said product and the ingredients and substances contained therein were not antiseptic and could not effect sterilization.

On November 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*