

9304. Misbranding of D. D. D. U. S. * * * v. 162 Dozen Bottles of * * * D. D. D. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12249. I. S. No. 3309-r. S. No. W-579.)

On February 27, 1920, the United States attorney for the Southern District of California, 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 162 dozen bottles of D. D. D., composed of 60 dozen medium size, ordinary strength, 72 dozen large size, ordinary strength, and 30 dozen large size, extra strong, remaining unsold in the original unbroken bottles at Los Angeles, Calif., alleging that the article had been shipped by the D. D. D. Co., Chicago, Ill., on September 3, 1919, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of phenol, chloral hydrate, and salicylic acid, with small amounts of methyl salicylate and thymol, in glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following therapeutic effects were claimed for the said article on the bottle and carton and in an accompanying circular and booklet, (ordinary strength) (carton) "D D D Remedy for Eczema and diseases Of The Skin And Scalp * * * Eczema Psoriasis Pimples Tetter Red Nose Salt Rheum Dandruff Ivy Poison Hives Itching Piles * * * Itch Barber's Itch Dermatitis Herpes Sycosis," (bottle) "D. D. D. Prescription For The Skin And Scalp," (extra strong) (carton) "D D D Remedy for Eczema And Diseases Of The Skin * * * for cases of Chronic Dry Eczema And Psoriasis confined to the trunk of the body, arms and legs, which do not respond to treatment with D. D. D. * * *," (bottle) "D D D Prescription for the Skin * * * prepared especially for Chronic Dry Eczema and Psoriasis * * *," (circular, both ordinary strength and extra strong) "To subdue Eczema and Skin Diseases * * * Use D. D. D.—The Lotion for Skin Disease," (booklet) "* * * D. D. D. The Lotion for Skin Disease * * * In nearly all instances D. D. D. gives relief at once. * * * It is indeed true that the first or second full size bottle will relieve the itch and will be found to be sufficient in the majority of cases of skin disease. In practically all cases the fourth or fifth or at the very most the sixth bottle will plainly indicate to the patient that he is on the road to recovery. * * * continue the use of D. D. D. prescription until the desired results are obtained. * * * D. D. D. is a treatment. * * * the Most Common Forms of Skin Disease Successfully Treated by D. D. D. Eczema (Salt Rheum; Tetter) * * * Psoriasis * * * Barber's Itch * * * Sycosis * * * Acne * * * Dandruff * * * Hives, Nettlerash * * * Plant Poison * * *," which statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9305. Misbranding of D D D Remedy for Eczema. U. S. * * * v. 276 Dozen and 72 Dozen Bottles of * * * D D D Remedy for Eczema. Consent decrees of condemnation. Product released under bond. (F. & D. Nos. 12251, 12252, 12253, 12271, 12272. I. S. Nos. 3192-r to 3200-r, inclusive, 3258-r, 3259-r, 3260-r, 3261-r. S. Nos. W-576, W-577, W-578, W-582.)

On February 24 and March 2, 1920, respectively, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 276 dozen and 72 dozen bottles, respectively, of D D D Remedy for Eczema, remaining in the original unbroken packages at San Francisco,

Calif., alleging that the article had been shipped by the D. D. D. Co., Chicago, Ill., between the dates October 25, 1918, and February 4, 1920, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article consisted of three style packages, "Ordinary Strength, Large Size," "Ordinary Strength, Smaller Size," and "Extra Strong," which were labeled in part as follows: (Ordinary strength, large size) (carton) "D D D Remedy for Eczema and Diseases Of The Skin And Scalp * * * Eczema Psoriasis Pimples Tetter Red Nose Salt Rheum Dandruff Ivy Poison Hives Itching Piles * * * Itch Barber's Itch Dermatitis Herpes Sycosis;" (bottle) "D D D Prescription For The Skin and Scalp * * *;" (ordinary strength, smaller size) (carton) "D D D Remedy for Eczema and Diseases Of The Skin And Scalp * * * Pimples on Face, Red Nose, Barber's Itch, * * * Eczema Psoriasis Pimples Tetter * * * Salt Rheum Dandruff Ivy Poison Hives Itching Piles * * * Itch Barber's Itch Dermatitis Herpes Sycosis;" (bottle) "D D D Prescription For The Skin and Scalp * * * Pimples on Face, Red Nose, Barber's Itch * * *;" (extra strong) (carton) "D D D Remedy for Eczema and Diseases Of The Skin * * * for cases of Chronic Dry Eczema And Psoriasis confined to the trunk of the body, arms and legs, which do not respond to treatment with D. D. D. Ordinary * * *;" (bottle) "D D D Prescription for the Skin * * * prepared especially for Chronic Dry Eczema and Psoriasis * * *." All three style packages were further labeled in part: (Circular) "To subdue Eczema and Skin Diseases * * * Use D. D. D.—The Lotion for Skin Disease * * *;" (booklet) "* * * D. D. D. The Lotion for Skin Disease * * * In nearly all instances D. D. D. gives relief at once. * * * It is indeed true that the first or second full size bottle will relieve the itch and will be found to be sufficient in the majority of cases of skin disease. In practically all cases the fourth or fifth or at the very most the sixth bottle will plainly indicate to the patient that he is on the road to recovery. * * * continue the use of D. D. D. prescription until the desired results are obtained. * * * D. D. D. is a treatment. * * * The Most Common Forms of Skin Disease Successfully Treated by D. D. D. Eczema (Salt Rheum; Tetter) * * * Psoriasis * * * Barber's Itch * * * Sycosis * * * Acne * * * Dandruff * * * Hives, Nettle rash * * * Plant Poison * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of phenol, chloral hydrate, and salicylic acid, with small amounts of methyl salicylate and thymol, in glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, appearing in the circular and booklet and on the cartons and bottles, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 9, 1920, the D. D. D. Co., Chicago, Ill., claimant, having consented to decrees, judgments were entered declaring the product to be misbranded, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9306. Misbranding of Dr. A. W. Chase's Nerve Pills. U. S. * * * v. 9 Dozen Packages of * * * Dr. A. W. Chase's Nerve Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13432. I. S. No. 10028-t. S. No. W-714.)

On or about September 2, 1920, the United States attorney for the Southern District of California, 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 9 dozen packages of Dr. A. W. Chase's Nerve Pills, remaining in the