

District Court of the United States for said district a libel praying seizure and condemnation of 59 packages of Dr. F. W. Diemer's laxative grip and cold tablets at Chicago, Ill., alleging that the article had been shipped by the Sta-Wel Remedy Co., from Springfield, Mo., November 7, 1928, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilid, sodium bicarbonate, capsicum, and extracts of plant drugs including podophyllum and an emodin-bearing drug.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the containers and in the accompanying circular, (circular) "For Grip * * * Sta-Wel Remedy Company," (carton) "Grip * * * Tablets * * * Sta-Wel Remedy Co.," and (display carton) "Grip * * * Tablets," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was effective as a remedy for the diseases, ailments, and afflictions mentioned therein.

On April 24, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16787. Adulteration and misbranding of Dakol nasal cream. U. S. v. 68 Packages of Dakol Nasal Cream. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23971. I. S. No. 08161. S. No. 2203.)

On August 31, 1929, the United States attorney for the Western 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 praying seizure and condemnation of 68 packages of Dakol (nasal cream) remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the New Haven Laboratories (Inc.), New Haven, Conn., on or about January 7, 1929, and transported from the State of Connecticut into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, chloramine-T (0.25 per cent), volatile oils including menthol, and a small amount of a saponifiable fat. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (tube) "Antiseptic."

Misbranding was alleged for the reason that the statements (tube), "Antiseptic," and (carton) "Coat tip on tube with Dakol—to Antisepticize," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, (tube) "For * * * relief of * * * Catarrh, Influenza, Bronchitis, Whooping Cough, Hay Fever, Sore Throat, Asthma. * * * To Prevent nose and throat infection. Squeeze * * * Dakol on * * * finger * * * into each nostril," (carton) "For relief of * * * Influenza, Bronchitis, Catarrh, Whooping Cough, Hay Fever, Sore Throat and Asthma. For the prevention of contagious diseases contracted through nose and throat. * * * Insert tip * * * into nostril * * * pinch tube and draw deep, long breath through nose until Dakol reaches the throat," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of such purchasers the impression and belief that it was effective in the treatment of disease or the prevention thereof.

On September 23, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*