

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16376-16400

[Approved by the Secretary of Agriculture, Washington, D. C., November 18, 1929]

16376. Misbranding of Deo Dennis' eucalyptus ointment, U. S. v. 34 5/12 Dozen Jars of Deo Dennis' Eucalyptus Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23445. I. S. No. 07423. S. No. 1616.)

On February 26, 1929, the United States attorney for the District of Colorado, 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 34½ dozen jars of Deo Dennis' eucalyptus ointment, remaining in the original unbroken packages at Denver, Colo., consigned by the Deo Corporation, Berkeley, Calif., alleging that the article had been shipped from Berkeley, Calif., December 12, 1928, and transported from the State of California into the State of Colorado 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 ointment consisted essentially of a wax base with small amounts of petrolatum and fat containing volatile oils including eucalyptus and sassafras oils, camphor, and menthol.

It was alleged in the libel that the article was misbranded in that the following statement regarding the said article was false and misleading: (Blue circular) "The pleasant vapor is carried to every part of the respiratory tract, where it condenses in the form of an antiseptic healing oil, destroying germs and helping to remove inflammation in a safe, natural way." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the label, (carton) "For Catarrh * * * Hay Fever, Poison Oak * * * Flu, etc. * * * For * * * Croup * * * or any inflammation of the Mucous Membrane, use according to directions," (blue circular) "It is advisable to draw in the vapor through the mouth at times, especially if the throat is sore or inflamed. The Vaporizer should be used for 5 to 15 minutes night and morning—oftener if desired. It clears the head almost instantly and begins at once to relieve inflammation. * * * For more than thirty years, 'Deo' has been widely recognized as one of the most valuable remedial agents ever discovered for catarrh * * * and other affections of the mucous membrane. * * * vaporization offers the only practical and thoroughly efficient means yet devised for reaching diseased tissues in the nasal cavity, bronchial tubes or lungs with local treatment of any character. * * * The pleasant vapor is carried to every part of the respiratory tract, where it condenses in the form of an antiseptic healing oil, destroying germs and helping to remove inflammation in a safe, natural way. By using the 'Deo' Vaporizer, quicker results will be obtained and less of the ointment required," (yellow circular) "Effective Treatment for Catarrh, Coughs, Asthma, Whooping Cough, Croup and Respiratory Troubles. Also valuable for the relief of Piles, Rheumatism, * * * For healing * * * Old Sores * * * Recommended for any condition where * * * healing application is desired. * * * Directions * * * For Catarrh. Catarrh is a chronic inflammation of the mucous membrane of the nose and throat. It usually begins with a cold in the head,

although it may result from breathing dust or any foreign matter that irritates the delicate membranes. Ordinary methods of treating catarrh are failures, simply because they do not reach the affected areas. You must heal those raw tender spots that are hidden away where liquids and sprays can never touch them. The best and most effective method is to inhale the fumes of 'Deo' each night and morning. Heat a spoonful of 'Deo' in a tin pan or cup and take in deep breaths of the soothing vapor. This destroys germs and assists in healing of the inflamed membrane in remote sections of the nasal passages. Next take a quantity of the ointment—the size of a pea—and insert in each nostril several times a day. Snuff it well up into the nasal cavity—don't let it remain just inside the nostrils. It is a good plan to carry a tube of 'Deo' with you and use it frequently during the day. Follow these directions and you will soon get relief from that stopped-up feeling, the hawking, spitting and throat-dripping. For Whooping Cough and Croup. Place a spoonful of 'Deo' in a tin pan or cup and heat gently over a lamp or candle. As the ointment melts, make the child inhale the rising fumes for a minute or two. This stops the coughing and gasping and keeps the air passages open. Repeat if necessary. Also apply a small quantity of 'Deo' up the nostrils, and rub thickly on neck and chest, covering with hot flannel. The above treatment has never been known to fail when used in time. Remember that croup cannot prove fatal as long as the air passages are kept open. General Instructions. For ordinary Coughs, follow the directions given for colds. For Asthma, inhale 'Deo' vapors when suffering an attack. For Piles apply the ointment freely with finger, two or three times a day. For Rheumatism, apply a thick coating of 'Deo' over the spot where you feel the pain. Cover with flannel and place a hot water bottle over it to drive the oils in. Repeat until relieved. For * * * Old Sores * * * apply 'Deo' freely several times daily, especially when going to bed. * * * For Toothache, fill cavity with 'Deo' and rub a little on the gums. * * * Remember that 'Deo' derives its remarkable * * * and healing properties from a special combination of real Australian Eucalyptus Oil with several other vegetable oils that are noted for their medicinal properties. * * * our process of combining various other oils with the eucalyptus that gives 'Deo' its remarkable medicinal value," were false and fraudulent in that the article contained no ingredients 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 the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On May 3, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16377. Misbranding of Dina-Mite. U. S. v. 100 Cases of Dina-Mite. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23044. I. S. No. 0711. S. No. 1075.)

On September 5, 1928, the United States attorney for the District of Oregon, 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 100 cases of Dina-Mite, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Dina-Mite Food Co., from Spokane, Wash., on or about July 10, 1928, and transported from the State of Washington into the State of Oregon 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 it consisted essentially of wheat middlings, bran flakes, and cracked flax.

It was alleged in the libel that the article, considered as a food, was misbranded in that the designations "Cereal" and "Whole Grains" were false and misleading and deceived and misled the purchaser, since the product contained bran and flax which are not cereals or whole grains; for the further reason that the statement "Net Weight 1½ lbs. when packed," borne on the label, was false and misleading and deceived and misled the purchaser, since the quantity stated was not correct; for the further reason that the article was food in package form and the quantity of contents was not plainly and con-