

17217. Misbranding of Lax. Cold Grippe tablets. U. S. v. 450,000 Tablets of Lax. Cold Grippe. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24442. I. S. No. 029532. S. No. 2683.)

On January 17, 1930, the United States attorney for the Western District of Tennessee, 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 450,000 Lax. Cold Grippe tablets at Memphis, Tenn., consigned by Strong-Cobb & Co., from Cleveland, Ohio, alleging that the article had been shipped from Cleveland, Ohio, on or about November 24, 1928, and transported from the State of Ohio into the State of Tennessee, 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 acetanilide (1.85 grains per tablet), cinchonidine, and extracts of plant drugs including a laxative drug.

The article was labeled in part: (Metal container) "Lax. Cold Grippe;" (slip inside of container) "Refer to RX A. S. M. X. when reordering Special Cold and Grippe Tablets."

It was alleged in the libel that the article was misbranded in that the tablets contained acetanilide and the packages failed to bear a statement on the labels thereof of the quantity or proportion of acetanilide contained in the said tablets. Misbranding was alleged under section 8 of the act, paragraph 3, in the case of drugs in that the labels bore false statements of curative and therapeutic effects.

On February 26, 1930, the J. R. Watkins Co., Memphis, Tenn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17218. Adulteration and misbranding of Vapo-Cresolene. U. S. v. 3 Dozen Large Bottles, et al., of Vapo-Cresolene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24600. I. S. Nos. 030213, 030214. S. No. 2932.)

On March 8, 1930, the United States attorney for the Eastern District of Pennsylvania, 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 3 dozen large-sized bottles and 57 dozen small-sized bottles of Vapo-Cresolene, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vapo Cresolene Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about December 10, 1929, and transported from the State of New York into the State of Pennsylvania, 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 cresylic acid with small amounts of water and neutral coal-tar oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (bottle label, small size) "A teaspoonful of Cresolene to a quart of water makes a powerful liquid germicide and antiseptic wash," (carton, both sizes) "One teaspoonful of Cresolene to a quart of water, makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house," (carton, both sizes) "A germ destroying liquid to be vaporized," (circular, both sizes) "Inhalation treatment is an important means * * * of bringing specific antiseptics to act upon and stop the growth of the germs of disease," whereas the strength of the article fell below such professed standard, in that it was neither germicidal nor antiseptic in the solution recommended.

Misbranding was alleged for the reason that the statements, (bottle label, small size) "A teaspoonful of Cresolene to a quart of water makes a powerful liquid germicide and antiseptic wash," (carton, both sizes) "One teaspoonful of Cresolene to a quart of water makes an inexpensive antiseptic solution of great strength and usefulness, to be used as an antiseptic wash for cuts, sores, ulcers, the disinfection of wounds, and where a germicide is required about the house," were false and misleading in that the article was neither germicidal