

N. J., F. D. 17301-17325

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

17301—17325

[Approved by the Secretary of Agriculture, Washington, D. C., January 19, 1931]

17301. Adulteration and misbranding of Torb. U. S. v. 30 Gross of Torb. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24523. I. S. No. 015729. S. No. 2794.)

On April 30, 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 30 gross of a drug product known as Torb, remaining in the original unbroken packages at Allentown, Pa., consigned by the Crystal Chemical Co., New York N. Y., alleging that the article had been shipped from New York, N. Y., on or about November 12, 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 an ointment with a petrolatum base, mineral matter such as clay, and a small amount of boric acid. Torbernite was not found.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (carton, label, and accompanying circular) "Contains the Rare Radium Mineral Torbernite."

Misbranding was alleged for the reason that the statement on the said label, carton, and circular, "Contains the Rare Radium Mineral Torbernite," was misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were misleading, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "Heals * * * Directions * * * Apply freely * * * for pains and congestion * * * Healing * * * Subdues Inflammation, Relieves Pain and Congestion. Torb is indicated in the treatment of skin disturbances, chronic ulcers * * * swollen glands, etc. It is also employed in the reduction of pains and swellings accompanying rheumatic and gouty conditions, etc.," (carton) "Heals * * * for Pains and congestion, apply * * * Torb * * * Healing * * * Subdues Inflammation, Relieves Pain and Congestion. Torb is indicated in the treatment of skin disturbances, chronic ulcers, * * * swollen glands, etc. It is also employed in the reduction of pains and swellings accompanying rheumatic and gouty conditions, etc.;" (circular) "Skin trouble * * * swollen glands * * * boils, inflammation * * * For the Relief of Piles * * * Bronchitis, Pleurisy, Pneumonia, Tonsillitis, Quinsy, Sore Throat, Mumps. Torb * * * In cases of pneumonia and pleurisy Torb should be applied. * * * Swollen Joints, Rheumatic Pains and Swellings, Osteitis. Place a thick coating of Torb around

the affected parts * * * Swollen Glands, Goitre * * * Cover parts with a coating of Torb * * * Torb * * * for Congestion, Inflammation and Irritation. * * * Its healing * * * Torb, now offered to the general public, * * * in the treatment of skin affections, such as eczema, etc., sores, * * * painful inflammations * * * it affords * * * speedy healing * * * Torb is successfully employed * * * in the treatment and relief of Skin Troubles, Chronic Ulcers, Sores, Felons, Erysipelas * * * Osteitis * * * Swollen Joints, Swollen Glands, Boils * * * Bronchitis, Pleurisy, Pneumonia, Tonsillitis—Quinsy, Sore Throat, * * * Rheumatic and Gouty Pains and swellings, * * * Ulcers and Sores * * * Skin Troubles—Acne or Pimples, Eczema, Felons, Ichtyosis * * * Psoriasis, Ring Worm, Scabies (Itch) Sycosis * * * Alopecia or Baldness * * * Abscesses, Boils and Felons, Apply Torb Thick * * * Erysipelas." Note.—The charge recommended by this department, relative to the above-quoted curative and therapeutic claims, was that they were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 30, 1930, Torb (Inc.), Allentown, Pa., having appeared as claimant for the property, 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 bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17302. Adulteration and misbranding of spirits camphor. U. S. v. Theophilus O. Williams (Southern Chemical Co.). Plea of nolo contendere. Fine, \$50. (F. & D. No. 23766. I. S. Nos. 03332, 03982.)

On April 2, 1930, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theophilus O. Williams, trading as the Southern Chemical Co., Petersburg, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about May 13, 1929, from the State of Virginia into the State of Florida, and on or about May 31, 1929, from the State of Virginia into the State of West Virginia, of quantities of spirits camphor, which was adulterated and misbranded. The article was contained in bottles inclosed in cartons and was labeled in part: (Carton and bottle) "Spartan Brand * * * Manufactured By Southern Chemical Co., Petersburg, Va.;" (carton) "Pure Spt. Camphor U. S. P.;" (bottle) "Pure Spirits Camphor U. S. P."

It was alleged in the information that the articles were adulterated in that they were sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength and quality as determined by the test laid down in said pharmacopœia official at the time of investigation, in that they contained not more than 8.81 grams and 9.0 grams of camphor per 100 cubic centimeters, whereas said pharmacopœia provided that the articles contain not less than 9.5 grams of camphor per 100 cubic centimeters; and the article failed to bear on the containers a statement of its own standard of strength and quality.

Misbranding was alleged for the reason that the statement, to wit, "Spt. Camphor, U. S. P.," borne on the cartons, and the statement, "Spirits Camphor U. S. P." borne on the bottles, were false and misleading in that the said statements represented that the article was camphor, as defined in the United States Pharmacopœia, whereas it was not, since it contained less than 9.5 grams of camphor per 100 cubic centimeters of the article.

On April 7, 1930, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17393. Misbranding of Nozol. U. S. v. 240 Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24501. I. S. No. 029567. S. No. 2800.)

On February 6, 1930, the United States attorney for the Southern District of Indiana, 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 240 bottles of Nozol, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Nozol Co. (Inc.), Pittsburgh, Pa., on or about February 25, 1929, and had been