

Analysis of a sample of the article by this department showed that it consisted of sulphur dioxide (0.16 per cent), nonvolatile matter (0.03 per cent), and water (99.81 per cent).

It was alleged in the libel that the article was misbranded in that the statement, "Anti-Phymin is a * * * compound of essential atmospheric elements," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed; and 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 that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of the diseases and conditions named therein: "A * * * preparation for internal and external use which effectively controls the bacterial fermentation of waste organic matter in or about the body * * * the healing gas * * * In the control of fermentation lies the secret of the control of disease. For external use Anti-Phymin should be used in any condition causing or likely to cause pain, soreness or inflammation apply * * * to the part affected and keep same wet with Anti-Phymin."

On May 26, 1930, 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.*

17454. Misbranding of Nozol. U. S. v. 14 Dozen Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23682. I. S. No. 05235. S. No. 1920.)

Samples of a drug product known as Nozol having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the District of Minnesota the presence of a quantity of the product at Minneapolis, Minn.

On May 7, 1929, the United States attorney filed in the District Court of the United States for the District of Minnesota a libel praying seizure and condemnation of 14 dozen small-sized bottles of Nozol, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Nozol Co. (Inc.), from Pittsburgh, Pa., on or about April 13, 1929, and had been transported from the State of Pennsylvania into the State of Minnesota, 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 mineral oil containing small amounts of camphor, menthol, and oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Keeps the nose clean and healthy;" (counter display card accompanying shipment) "Relieves Sinus Trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay Fever, General Nose Troubles. Use Nozol For Sinus Trouble;" (folder accompanying shipment) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth,—the fact that they cannot readily be seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol healing * * * the infected parts * * * and helping to stop further spread of the infection. * * *

Permits sufficient time for therapeutic action. * * * Nozol * * * is an effective agent in combating sinus trouble. * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing, soothing qualities of Nozol will greatly aid nature in curing this catarrhal condition. * * * Nozol for Hay Fever. Sufferers from hay fever seldom receive the sympathy to which they are entitled and no certain cure has ever been discovered. Thousands today are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol, when used in time, spreads over the tissues preventing the pollen from attacking the * * * lining * * * Nozol for Sinus Trouble * * * It is estimated that two out of three people in America are troubled with sinus infection of varying degrees. Sinus trouble usually follows severe colds and is indicated by frequent headaches, drippings of mucus into the throat, stoppage of nasal passages and soreness and tenderness beneath the eyes and over the cheekbone. If nature is allowed free rein, it can usually correct this condition. Nozol Most Effective Preparation for Sinus Trouble. By using Nozol regularly the nasal passages are kept clear and clean and proper drainage of the sinus allowed. Use frequently,—three or four times a day if convenient and, shortly, the most stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble. * * * People having trouble breathing while sleeping, and this is also true in case of children, can overcome this condition by clearing out the passages with Nozol."

On April 10, 1930, 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.*

17455. Misbranding of Nozol. U. S. v. 120 Small-Sized Bottles, et al., of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24477. I. S. Nos. 017839, 017840. S. No. 2739.)

Samples of a drug product known as Nozol having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the Southern District of Ohio, the presence of a quantity of the product at Cincinnati, Ohio.

On January 24, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 120 small-sized bottles and 22 large-sized bottles of Nozol, remaining unsold at Cincinnati, Ohio, alleging that the article had been shipped by the Nozol Co., from Pittsburgh, Pa., in two lots, on or about January 9, 1928, and April 20, 1929, respectively, and had been transported from the State of Pennsylvania into the State of Ohio, 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 mineral oil containing small amounts of camphor, menthol, and oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, small size) "Keeps the nose * * * healthy;" (bottle label, large size) "Keeps the nose * * * healthy. * * * Unequaled in cases of Catarrh, Hay Fever, Asthma and General Nose Troubles. Permits free and easy breathing, * * * use it regularly to kill germs lodging in the nose;" (label of carton inclosing large-sized bottles) "Keeps the Nose * * * Healthy. * * * Excellent for Catarrh, Hay Fever, Asthma, Etc. * * * Nose Remedy. Keep the nose healthy with Nozol;" (circulars) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already