

17852. Adulteration and misbranding of Kelp-Ine. U. S. v. 8 Cans of Kelp-Ine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25088. I. S. No. 1391. S. No. 3367.)

Examination of samples of Kelp-Ine showed that it was labeled as containing iodides or iodine, as being antiseptic and germicidal, and as possessing certain curative and remedial properties, whereas it contained no iodides or iodine, was not antiseptic or germicidal, and did not possess the curative and remedial properties claimed.

On September 6, 1930, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight cans of Kelp-Ine, remaining in the original unbroken packages at Sacramento, Calif., consigned by the Kelp-Ine Products Corporation of America, Seattle, Wash., alleging that the article had been shipped in interstate commerce from Seattle, Wash., to Sacramento, Calif., on or about June 27, 1930, 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 a potassium soap; iodine and iodides absent. Bacteriological examination showed that the article was not antiseptic.

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: (Can label, circular, and round card inside can) "Antiseptic;" (circular and can label) "Germicide * * * Sea Kelp Iodine."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Can label) "Iodide Germicide Antiseptic Superior to Soap * * * From the sea * * * Sea Kelp Iodine 'Better than Soap;'" (circular card in can) "This product possesses natural iodine * * * and other wonderful salts from sea-kelp * * * antiseptic;" (leaflet) "From The Sea Kelp-Ine Sea Kelp Iodine * * * Modern science has discovered that Kelp—the chief deep sea vegetation—contains thirteen out of the fourteen elements that are necessary to the human body; * * * Kelp-Ine is an amazing new product, a natural cleansing and healing agent made from Kelp. * * * its remarkable germicidal and antiseptic qualities are due directly to properties derived from Mother Nature. * * * 'Better Than Soap' * * * Kelp-Ine possesses all the natural curative properties known to be present in sea plants. * * * Iodine Content High. The principal ingredient beneficial to the human system in sea-kelp is natural or vegetable iodine * * * Kelp-Ine with its natural iodine provides the ideal germicide and antiseptic that will go a long way in preventing the transmission of disease in the school, at home, in hotels and other public places. * * * A Natural Cleansing and Healing Product from the Sea." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles, appearing in a leaflet entitled "From The Sea," inclosed in the shipping package, were false and fraudulent: "Iodine is the positive remedy discovered by science for the prevention and cure of simple goitre * * * Kelp-Ine, in paste or liquid form, is made for washing the human body. Due to the great absorptive powers of the human skin, it is beneficial in cases of skin infection. 'Better Than Soap.' It is 'Better than Soap.' And for cuts, burns, rashes, scalds and cutaneous troubles, * * * A famous physician has said, 'If you will place a wash bowl outside every school room, give a child a germicidal soap, and compel him or her to wash the hands before entering the room, you will cut down the spread of disease to the minimum.' * * * 'Athlete's Foot,' spreading dangerously throughout the United States—and numbering millions of sufferers, can be easily eliminated and prevented by the use of Kelp-Ine in all athletic institutions. * * * For Skin Infections * * * Scalp Infections * * * Foot Infections."

On December 6, 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.*

17853. Misbranding of Torpedo combination menthol inhaler and pencil, and Torpedo Volatex. U. S. v. ¼ Gross Torpedo Combination Menthol Inhaler and Pencil, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25417, 25418, 25419, 25420. I. S. Nos. 5220, 5221, 5222, 5223. S. Nos. 3622, 2623.)

Examination of samples of the herein-described drug products having shown that the labels bore claims of curative and therapeutic properties that the

articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of $\frac{1}{2}$ gross of Torpedo combination menthol inhaler and pencil, and $\frac{1}{2}$ gross of Torpedo Volatex, remaining in the original unbroken packages at Philadelphia, Pa., consigned by W. C. Belmonte, New York, N. Y., alleging that the articles had been shipped from New York, N. Y., in part on or about October 23, and in part on or about October 30, 1930, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the contents of the Torpedo Volatex consisted essentially of volatile oils including menthol, camphor, and eucalyptol; and the contents of the Torpedo inhaler consisted of menthol.

It was alleged in the libels that the articles were misbranded in that the following statements regarding their curative or therapeutic effects, appearing on the cartons containing the respective articles, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Torpedo combination menthol inhaler and pencil) "An Effective Remedy for application and inhalation for Catarrh, Hay Fever, Neuralgia, Headache, Faceache, Etc. For Sore Throat Inhale through the mouth;" (Torpedo Volatex) "Vaporized Relief Recommended for * * * Catarrh, Hay Fever, Neuralgia, Etc. For Sore Throat inhale through the mouth."

On December 22, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17854. Adulteration and misbranding of ether. U. S. v. 90 Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24945. I. S. No. 7304. S. No. 3318.)

Samples of ether from the herein-described interstate shipment having been found to contain peroxide, indicating deterioration, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On or about August 9, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of 90 quarter-pound cans of ether at Detroit, Mich., alleging that the article had been shipped by Merck & Co., from Rahway, N. J., on or about April 8, 1930, and had been transported from the State of New Jersey into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide.

The article was labeled in part: "Ether U. S. P. For Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, or purity, as determined by tests laid down in said pharmacopoeia official at the time of investigation, and its own strength was not stated upon the label.

Misbranding was alleged for the reason that the name on the label, "Ether U. S. P." was false and misleading.

On December 8, 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.*

17855. Misbranding of Wampole's vaginal cones boroglyceride compound with ichthyol. U. S. v. 100 Packages of Wampole's Vaginal Cones Boroglyceride Compound with Ichthyol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25231. I. S. No. 3954. S. No. 3522.)

Examination of the herein-described drug product having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported to the United States attor-