

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]

17926-17975

[Approved by the Secretary of Agriculture, Washington, D. C., June 17, 1931]

17926. Misbranding and alleged adulteration of Whitlock's U-Gar-Gl. U. S. v. 142 Bottles of Whitlock's U-Gar-Gl. Consent decree of condemnation and destruction. (F. & D. No. 25208. I. S. No. 10565. S. No. 3482.)

Examination of samples of a drug product, known as U-Gar-Gl, from the herein-described shipment, having shown that it was not an antiseptic, as represented, and that it did not possess certain curative and therapeutic properties claimed for it in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Michigan.

On October 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 142 bottles of Whitlock's U-Gar-Gl, remaining in the original unbroken packages at Grand Ledge, Mich., alleging that the article had been shipped by the Cherokee Remedy Co., Chicago, Ill., on or about September 11, 1930, and had been transported from the State of Illinois into the State of Michigan, 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 menthol, saccharin, benzoic acid, a small proportion of volatile oils including thymol, cinnamon oil, and clove oil, alcohol, and water, colored yellow. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard or quality under which it was sold, that is, it was labeled and sold as an antiseptic, whereas it was not antiseptic and had no antiseptic qualities.

Misbranding was alleged for the reason that the labels of the bottles and packages containing the article bore the following statements, "Has also proven good as an antiseptic dressing," and "The Cherokee Remedy," which statements were false and misleading, since the article was not good as an antiseptic dressing, and was not a Cherokee remedy. Misbranding was alleged for the further reason that the labels bore the following statements regarding the curative and therapeutic effects of the article, which were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "For cuts, wounds, * * * may be taken internally for disorders of the stomach and kidneys."

On February 11, 1931, John T. Whitlock, Chicago, Ill., intervenor, having admitted the facts set forth in the libel and having consented to the entry of decree, judgment was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be destroyed by the United States marshal, and that the intervenor pay costs in the amount of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17927. Adulteration and misbranding of Zi-O-Dine dental cream. U. S. v. 8 Gross Small Tubes, et al., of Zi-O-Dine Dental Cream. Default decree of destruction. (F. & D. No. 25309. I. S. Nos. 6788, 6789. S. No. 3575.)

Examination of samples of Zi-O-Dine dental cream from the herein-described shipments having shown that it was represented to be an antiseptic and prophylactic, whereas it was not, and that the labels bore claims of curative and