

San Juan, P. R., and that it was being sold and offered for sale in Porto Rico by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Formula of bottle A) "Iodide of caesium, 0 gm. 125; iodide of rubidium, 0 gm. 25; iodide of sodium, 1 gm. 50; chloride of calcium, 4 gm. 00; chloride of magnesium, 11 gm. 00; thiosinamine, 0 gm. 20; hyposulphite of sodium, 0 gm. 05; excipient to make 30 gm. 00;" (formula of bottle B) "Benzoate of lithium, 0 gm. 30; resublimed iodine metalloïd, 0 gm. 625; mimotannin (tannin extract of mimosa), 1 gm. 25; incipient to make 30 gm. 00."

It was alleged in the libel that the article was misbranded in that the statement appearing on the carton label, regarding the curative or therapeutic effect of the said article, "Internal Treatment of Opacities of the Crystalline Lens," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 4, 1931, 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.*

**18203. Adulteration and misbranding of Vitalex. U. S. v. 164 Cases, et al., of Vitalex. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25981, 26009. I. S. Nos. 6921, 27348. S. Nos. 4248, 4301.)**

Examination of a drug product known as Vitalex having shown that it was labeled as containing vitamin D, whereas it was worthless as a source of vitamin D, the Secretary of Agriculture reported to the United States attorney for the Northern District of Illinois the shipments herein described, involving quantities of the product located at Chicago, Ill.

On March 4 and March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 327 cases of the said Vitalex at Chicago, Ill., alleging that the article had been shipped by Chemicals & Drugs (Inc.), from Baltimore, Md., in part on October 30, 1930, and in part on February 27, 1931, and had been transported from the State of Maryland into the State of Illinois, 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 it consisted of caffeine, salicylic acid, benzoic acid, small proportions of plant drugs including licorice, wild cherry, and a laxative drug, strychnine, valeric acid and volatile oils, alcohol, and water. Biological examination showed that the article was worthless as a source of vitamin D.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard of strength under which it was sold, in that it was labeled as containing vitamin D, whereas it contained no vitamin D.

Misbranding was alleged for the reason that the statement on the carton, "To which are added Vitamins \* \* \* D," was false and misleading, since the article contained no vitamin D.

On March 19, 1931, the I. S. Johnson Co. (Inc.), claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant to be relabeled at Chicago, Ill., under the supervision of this department, upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18204. Misbranding of McCormick's cold and pain salve. U. S. v. 3¼ Dozen Jars of McCormick's Cold & Pain Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25960. I. S. No. 4392. S. No. 4194.)**

Examination of a drug product, known as McCormick's cold and pain salve, from the shipment herein described having shown that the cartons, jar labels, and accompanying booklets bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On February 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three and three-fourths dozen jars of McCormick's cold and pain salve, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by McCormick & Co., Baltimore, Md., on or about July 17, 1928, and had been transported from the State of Maryland into the State of Virginia, 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 volatile oils, including menthol, camphor, camphor oil, and eucalyptus oil (approximately 10 per cent), incorporated in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display and individual cartons) "Internally by the Inhalation of the wonderfully healing vapors which it evolves, McCormick's Salve penetrates the most minute recesses of the nose, throat, lungs and bronchial tubes, allaying pain and reducing inflammation wherever it reaches. \* \* \* Pain Salve \* \* \* Valuable in the treatment \* \* \* Sore Throat, La Grippe, Pneumonia \* \* \* and Skin Irritations;" (additional matter on individual carton) "Useful in All Forms of Inflammation such as Asthma, Bronchitis, Catarrh \* \* \* Coughs, Hay Fever, La Grippe, Pneumonia, Sore Throat, Whooping Cough \* \* \* Boils \* \* \* Eczema \* \* \* Rheumatism, Piles;" (jar label) "Pain Salve \* \* \* For \* \* \* Catarrh, Etc. \* \* \* For Eczema, \* \* \* or Other Inflammation of the Skin. \* \* \* For \* \* \* Bronchitis, Pneumonia, Etc. \* \* \* Sore Throat \* \* \* Coughs, Whooping Cough;" (booklet) "Plain Salve Valuable in the treatment of \* \* \* Sore Throat, La Grippe, Pneumonia \* \* \* Asthma \* \* \* Bronchitis \* \* \* Catarrh \* \* \* Coughs \* \* \* Hay Fever \* \* \* La Grippe \* \* \* Pneumonia \* \* \* Tonsillitis, Sore Throat \* \* \* Whooping Cough \* \* \* Boils \* \* \* Eczema \* \* \* Muscular Rheumatism \* \* \* Piles \* \* \* Distemper in Dogs or Horses \* \* \* Pneumonia or Pleurisy in Horses."

On April 20, 1931, 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.*

**18205. Adulteration and misbranding of Extract of Cod Liver Wampole. U. S. v. 3 Dozen Bottles of Extract of Cod Liver Wampole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25967. I. S. No. 5760. S. No. 4209.)**

Examination of the herein-described drug product showed that the wrapper and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. Vitamin tests of another lot of the same product showed that it was devoid of the characteristic vitamins of cod-liver oil.

On March 2, 1931, the United States attorney for the District of Porto Rico, 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 three dozen bottles of Extract of Cod Liver Wampole, alleging that the article had been shipped on or about January 12, 1931, by Henry K. Wampole & Co., New York, N. Y., to San Juan, P. R., and that it was being offered for sale and sold in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Extracto de Hígado de Bacalao de Wampole."

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of calcium, sodium, potassium, and iron, phosphorus, quinine, strychnine, a trace of oil, sugar, alcohol, and water. Biological examination showed that the article was devoid of the characteristic vitamins of cod-liver oil.

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, "Extract of Cod Livers."