

18476. Misbranding of Eucaline tonic compound, regular, and Eucaline tonic compound, tasteless. U. S. v. 65/6 Dozen Bottles of Eucaline (Regular Form) and Eucaline (Tasteless), et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26035, 26037. I. S. Nos. 23982, 23983, 23987, 23989. S. Nos. 4292, 4294.)

Examination of the above-described drug products showed that the labels bore claims of curative effects in certain diseases for which cinchona derivatives are customarily prescribed, and that the product contained insufficient cinchona alkaloids, or their salts, to cure such ailments when administered according to the accompanying directions; also that the labels bore claims of curative effects in certain other ailments which were not justified by the composition of the articles. The Eucaline tonic compound, tasteless, was labeled "Free from Dangerous Medicine," whereas it contained acetanilid, a heart depressant, which might be dangerous.

On March 23 and March 26, 1931, the United States attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of a total of 16 $\frac{3}{4}$ dozen bottles of certain drug products, a portion known as Eucaline tonic compound, regular, and the remainder known as Eucaline tonic compound, tasteless, at Oklahoma City, Okla., consigned by the Eucaline Medicine Co., Dallas, Tex., alleging that the articles had been shipped in interstate commerce from Dallas, Tex., into the State of Oklahoma, in part on or about September 24, 1930, and in part on or about October 1, 1930, and charging misbranding in violation of the food and drugs act as amended. The Eucaline (regular) was labeled in part: (Carton) "An excellent remedy for Malaria, Chills and Fever, Dumb Chills, Enlarged Spleen, * * * etc. And as an Antimalarial * * * Tonic for general debility, caused by Malaria weakening the blood and system, * * *. Is a combination of Liver, Blood and Anti-Malarial Properties. It readily relieves Fever and Chills after other remedies have failed. * * * Great for Chills and Fevers. A fine Blood and Liver Tonic." The Eucaline (tasteless) was labeled in part: (Carton) "An Improved Remedy for Chills, Fevers and General Malarial Sickness. * * * Is a most excellent remedy in cases of La Grippe * * * Acts Mildly on the Liver and * * * can be relied upon as a fine general Restorative Tonic and safe family remedy. * * * It is a * * * Remedy for Malaria, Chills, Fever and La Grippe."

Analyses of samples of the articles by this department showed that the Eucaline tonic compound, regular, consisted essentially of hydrochlorides of cinchona alkaloids (quinidine and cinchonidine, 1.2 gm. per 100 c. c., equivalent to 5.47 gr. per fluid ounce), ferric chloride (0.38 gm. per 100 c. c.), extracts of laxative plant drugs, a trace of eucalyptus oil, alcohol, sugar, and water; and that the Eucaline tonic compound, tasteless, consisted essentially of a suspension of cinchona alkaloids (quinidine and cinchonidine, 1.06 gm. per 100 c. c., equivalent to 4.84 gr. per fluid ounce), acetanilid (2.9 gr. per fluid ounce), a trace of eucalyptus oil, alcohol, sugar, and water.

It was alleged in substance in the libels that the articles were misbranded in that the above-quoted statements on the carton labels, together with similar statements appearing in foreign languages, regarding the curative or therapeutic effects of the said articles, and the statements appearing in the accompanying circular, namely, "For Malaria, Chills and Fever. For * * * what is termed LaGrippe in our Southern country," were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged with respect to the Eucaline tonic compound, tasteless, for the further reason that the statement on the carton, "Free from Dangerous Medicine," was false and misleading when applied to a product containing acetanilid.

On May 26, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18477. Misbranding of Gilbert's oral antiseptic. U. S. v. 65 Bottles of Gilbert's Oral Antiseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26042. I. S. No. 15793. S. No. 4316.)

Examination of a drug product, known as Gilbert's oral antiseptic, from the shipment herein described showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed

curative and therapeutic properties which it did not possess. Examination further showed that the article was not antiseptic when diluted with an equal volume of water.

On March 19, 1931, the United States attorney for the District of Massachusetts, 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 65 bottles of Gilbert's oral antiseptic, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Gilbert Products Corporation, from Morristown, N. J., on or about January 14, 1931, and had been transported from the State of New Jersey into the State of Massachusetts, 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 phenols including creosote, anise oil, sugar, and water, colored with a red dye. Bacteriological examination showed that the article when diluted with an equal volume of water was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "When diluted it forms a non-germicidal solution that retains the penetrative and stimulating powers of the PMG, and in this form the globules of PMG adhere to the delicate tissues and after penetration stimulate a * * * mild antiseptic action. * * * If the Antiseptic cannot be tolerated full strength, dilute with three parts of water, and use frequently. * * * Start using a dilution of one part of Antiseptic to three parts of water. * * * Where the undiluted product cannot be tolerated, a more frequent use of one part of Antiseptic to three parts of water is recommended." 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 false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "When the gums are tender or bleeding, * * * Tender and Bleeding Gums * * * Pyorrhea Alveolaris * * * Dentists using concentrated PMG in the treatment of Pyorrhea will prescribe the strength of Gilbert's Oral Antiseptic desired for your particular case. Vincent's Angina (Trench Mouth) * * * Gilbert's Oral Antiseptic should be used according to the instructions of your dentist;" (label) "For specific conditions such as sore throat, tender gums;" (carton) "As a safeguard against infection. * * * Indicated in treatment of tender and bleeding gums, * * * and as prescribed by the dentist for Gingivitis, Pyorrhea and Vincent's Infection."

On April 22, 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.*

18478. Adulteration and misbranding of ether. U. S. v. 109 (107) One-Pound Cans, et al., of Ether. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 26005. I. S. Nos. 26304, 26305. S. No. 4283.)

Samples of ether from the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On March 9, 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 one hundred and nine 1-pound cans and thirty-five 5-pound cans of ether, remaining in the original unbroken packages at Norwood, Ohio, alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., in part on or about October 15, 1930, and in part on or about February 14, 1931, and had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

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, and purity as determined by the test laid down in said pharmacopoeia, in that it contained peroxide.