

claimed: (Tube label) "An External Application Indicated in Croup (Spasmodic) * * * Headache * * * Rheumatic and Neuralgic Pains * * * Etc. * * * Indicated in Croup;" (tube carton) "Indicated in Croup * * * An External Application Indicated in Croup (Spasmodic), * * * Headache * * * Rheumatic and Neuralgic Pains, * * * Etc.;" (jar label) "Indicated in Croup * * * Croup;" (jar carton) "Indicated in Croup (Spasmodic), Coughs, * * * Sore Throat, Neuralgia, Rheumatism;" (circular accompanying tube and jar) "For Croup * * * Croup—Rub it on chest and throat * * * Pneumonia—Call in physician soon as you suspect this disease, as it is often fatal. Until his arrival, use hot towels on chest * * * Renew every hour till congestion is relieved or physician arrives. * * * Sore Throat * * * Influenza—Severe cases are often fatal, and where influenza is suspected call in a physician. * * * Coughs, Deep Colds, Bronchitis, Pleurisy, Sore Throat, Tonsillitis * * * Headache and Neuralgia * * * Rheumatism * * * Measles, Chicken Pox and Scarlet Fever—A thorough massage with Page's Cru-Mo gives wonderful relief in the itchy, restless condition, especially at night."

On October 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.*

18938. Misbranding of Pheno-Septol. U. S. v. 21 Small Packages, et al., of Pheno-Septol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26092. I. S. Nos. 14568, 14569. S. No. 4353.)

Examination of the drug product Pheno-Septol from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, also that it was represented to be an antiseptic and germicide, whereas it was not an antiseptic and germicide when used as directed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On March 30, 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 21 small packages and 20 large packages of Pheno-Septol at Tampa, Fla., alleging that the article had been shipped by the Pheno-Septol Co. (Inc.), from Rochester, N. Y., on or about October 16, 1930, and had been transported from the State of New York into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

The product consisted essentially of small proportions of phenol, a salicylate, a borate, alcohol, a potassium salt, and flavoring materials such as benzaldehyde and menthol dissolved in water, colored with an orange-colored dye. Bacteriological examination showed that the product was not antiseptic when diluted as directed on the labeling.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels were false and misleading: (Carton) Antiseptic and Germicide * * * dilute as desired;" (bottle) "Antiseptic and Germicide * * * dilute as desired * * * dilute with one or two parts water as desired." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Used daily as a mouth wash and dentifrice, will preserve the healthy condition of the teeth; * * * in all cases of Sore Throat, Canker Sore Mouth, Tonsillitis, Laryngitis * * * As a nasal douche or spray for * * * Catarrh * * * Use freely as a wash, dressing or compress for all inflammations, * * * Boils, * * * Salt Rheum, Eczema, Bleeding or Itching Piles, * * * and all * * * inflamed conditions of tissue. For internal use, as in digestive disorders such as Typhoid Fever, Gastritis, Diarrhea or Dysentery."

On September 1, 1931, no claimant having appeared for the property and the court having found that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, 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.*