

On June 8, 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.*

18689. Misbranding of Dr. Ward's liniment. U. S. v. Forty-two 2-Ounce Bottles, et al., of Dr. Ward's Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25598, 25599. I. S. Nos. 11664, 11669. S. Nos. 3808, 3818.)

Examination of samples of the drug product, Dr. Ward's liniment, having shown that the bottle and carton labels and the accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the interstate shipments herein described involving quantities of the product at San Francisco, Calif.

On January 5, 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 two 2-ounce bottles, one hundred and fifty-six 4-ounce bottles, and twenty-four 12-ounce bottles of the said Dr. Ward's liniment, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Dr. Ward's Medical Co., from Winona, Minn., in various consignments on or about April 7, May 12, June 3, and October 7, 1930, and had been transported from the State of Minnesota into the State of California, 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 extracts of plant drugs, including capsicum and sassafras, small proportions of volatile oils including camphor, soap, alcohol and water, colored red.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Used as an antidote for Alkali Water, for excessive thirst, and for all troubles emanating from changing and drinking bad water; also for troubles caused by eating unripe fruit and for all poisons emanating from decay and putrefaction [similar statements in foreign languages];" (carton and bottle labels) "For Internal Use in Cases of Cholera Morbus, Diarrhoea, Dysentery, Ordinary Colic, Chills and Ague, Ordinary Sore Throat, * * * etc. For External Use in Cases of * * * Swellings, Chilblains, * * * Muscular Rheumatism, etc. * * * Sweeny and Colic (similar statements in foreign languages)."

On July 23, 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.*

18690. Adulteration and misbranding of Ozojell. U. S. v. 21 Packages of Ozojell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26356. I. S. No. 5773. S. No. 4664.)

Examination of samples of the drug product Ozojell showed that the article was represented to be an antiseptic and germicide, whereas it was not, also that it was labeled as possessing curative and therapeutic properties which it did not possess.

On May 19, 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 21 packages of the said Ozojell, alleging that the article had been shipped by Yglesias & Co. (Inc.), New York, N. Y., on or about November 28, 1930, to Porto Rico, and was being sold and offered for sale in Porto Rico by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., 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 an ointment with a lanolin and lard base, containing menthol, chlorbutanol, salol, and volatile oils including cinnamon oil and bitter almond oil. Bacteriological examination showed that the article was incapable

either of killing or of preventing the growth of common pathogenic microorganisms such as *Staphylococcus aureus*.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standards of "Antiseptico" and "Germicida" under which it was sold.

Misbranding was alleged for the reason that the following statements, appearing in Spanish on the tube label and in the circular, were false and misleading: (Tube) "Antiseptico, Germicida;" (circular) "Antiseptic." Misbranding was alleged for the further reason that the following statements appearing in Spanish in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube Label) "For Nasal catarrh * * * also cures catarrhal deafness and noise in the ears;" (circular) "Ozjell for nasal catarrh * * * nasal deafness, noise in the ears, and all catarrhal affections of the head, nose and throat * * * Nasal Catarrh—Its Causes and Symptoms: The nose fulfills three important functions: first, it is the smelling organ; second, it is the channel through which we breathe; and third, it gives character and sonority to the voice. When a cold is contracted the mucous membrane of the nose becomes inflamed and the adjoining veins become congested, and the mucous secretion increases according to the severeness of the attack. The mucus is in reality a certain watery element of the blood filtered between the veins that are found adjoining the mucous membrane. The cover of the mucous membrane of the nasal cavities is united to that which covers the throat and bronchial tubes. The air we breathe passes through the lower or direct nasal canal. It is warmed and moistened while passing, therefore, it enters into the lungs at a temperature equal to that of the body, not causing the least irritation or inflammation to the bronchial tubes and lungs. When the mucous membrane of the nose becomes inflamed because of a cold and impedes the free entrance of the air through the nasal cavities, the patient is therefore obliged to breathe through the mouth, then, the air deprived of its characteristic warmth and humidity, enters the lungs as a sudden gush of dry and cold air, giving way to bronchial and pulmonary affections. The germs of tuberculosis never enter the lungs through the nose but through the mouth. We should always breathe through the nose and not through the mouth. The smelling sense is also an important protector against disease. It allows us to detect any kind of decomposition in our food and beverages, and also to distinguish between pure and impure air. All the organs of the respiratory tract are susceptible to catarrhal attacks, but these attacks are secondary to the nasal catarrh; this disease always has its origin in the nasal cavities and gradually extends itself to other parts of the respiratory system by means of the mucous membrane. The nasal catarrh begins with a cold. The membrane becomes inflamed as well as the canal becomes narrower or closes up completely, thus resulting in difficult breathing. Because there is no sufficient quantity of air in the throat to expell the mucus through the nose, a large quantity of it enters the throat thus falling drop by drop into the larynx, pharynx and bronchial tubes, finally producing an irritation in the lungs. Treatment and Cure: After having spent many years in the study of nasal catarrh, we have been able to manufacture a preparation that with all certainty will cure over ninety-five per cent of cases of nasal catarrh, whenever our preparation is used in accordance with the instructions given. To this marvelous preparation, which is a fragrant antiseptic disinfectant, germicide and powerful jelly, we have given the name of 'Ozjell.' Ozjell with all certainty enters into the mucous membrane and the tissues that are always affected seriously in all catarrhal conditions, alleviating the inflammation and curing the catarrh, acute or chronic. When the inflammation reaches the superior region of the throat, Ozjell should be applied on top of the nasal cavities, the chin should be raised a little bit and the head should be dropped back as far as possible in order that Ozjell when it melts should pass by gravity to the throat and bronchial tubes. By this means the remedy will reach all the affected parts. * * * When Ozjell is applied as indicated, it will come in contact with the eustachian tube where the posterior parts of the nasal passages enter and will alleviate the congestion that may exist in them, thus removing any noise in the ears and will cure what is known under the name of 'Catarrhal Deafness.' * * * Ozjell promptly relieves the dryness that is left, restores the proper execution of its normal functions. * * * Ozjell is a sure preparation to alleviate and cure nasal catarrh, * * * catarrhal deafness, noise in the ears and all catarrhal affections of the nose,

head and throat. It clears the head, nose and throat thus assuring a free breathing through the nose, which is the natural thing. The nose filters the air we breathe and impedes the dust and microbes from entering into the lungs; that is why Ozojell is necessary to prevent pulmonary affections. For earache, a melted drop of Ozojell is necessary to prevent pulmonary affections. For earache, a melted drop of Ozojell will produce prompt alleviation. Place a little bit of Ozojell on top of each nasal cavity and stop all catarrhal affections."

On June 15, 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.*

18691. Adulteration and misbranding of fluid extract of ginger. U. S. v. 23¼ Gross Bottles of Fluid Extract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26297. I. S. Nos. 13110, 13111. S. No. 4627.)

All samples of the product herein described, which was represented to be fluid extract of ginger conforming to the requirements of the United States Pharmacopoeia, were found to consist of alcoholic liquids containing a relatively small proportion of material derived from ginger, a fatty oil or oils, coal-tar dye; and certain samples also contained cresol phosphate. The article, therefore, was not a pharmacopoeial product.

On April 29, 1931, the United States attorney for the Southern 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 23¼ gross bottles of fluid extract of ginger at Los Angeles, Calif., alleging that the article had been repacked by the California Extract Co., from material shipped to them by Jordan Bros., as follows: 3 barrels from Brooklyn, N. Y., on or about December 24, 1930; 2 barrels from Brooklyn, N. Y., on or about January 2, 1931; and 2 barrels from Weehawken, N. J., on or about December 4, 1930. The libel further alleged that the article had been invoiced by the said Jordan Bros. as "Fluid Extract Ginger U. S. P.," and that it was adulterated and misbranded in violation of the food and drugs act. The bottles containing the article were labeled in part: "2 Fluid Ounces Superior Fluid Extract Ginger, U. S. P."

Adulteration of the article was alleged in the libel for the reason 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 tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article.

On June 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.*

18692. Adulteration and misbranding of ether. U. S. v. 180 Cans of Ether. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to Federal agency. (F. & D. No. 26358. I. S. Nos. 28357, 28358. S. No. 4685.)

Samples of ether from the shipment 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 Western District of Pennsylvania.

On May 13, 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 eighty 1-pound cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Rossville Commercial Alcohol Corporation, from Mechanicsville, N. Y., on or about April 21, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. X."

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 tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label. Adulteration was alleged for the further