

tained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the General Relief of Pain, Especially Rheumatism, Neuralgia, Grippe;" (envelope) "For Relief of Rheumatism."

On January 25, 1932, 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.*

19170. Misbranding of Ozo Mist. U. S. v. 41½ Dozen Bottles of Ozo Mist. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28103. I. S. No. 28148. S. No. 4404.)

Examination of samples of a drug product, known as Ozo Mist, from the shipment herein described showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling. The labeling also bore an incorrect declaration of the quantity or proportion of alcohol contained in the article.

On March 28, 1931, the United States attorney for the Western District of Pennsylvania, 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 41½ dozen bottles of Ozo Mist, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Adson Chemical Co. (Inc.), Buffalo, N. Y., on or about October 25, 1930, and had been transported from the State of New York into the State of Pennsylvania, 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 methyl salicylate, menthol, and eucalyptol (36 per cent by volume), alcohol (58 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a correct statement on the label of the quantity or proportion of alcohol contained therein, since the stated quantity was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the label were false and fraudulent: (Bottle label) "For * * * Hay Fever, Catarrh, Asthma;" (carton label) "For * * * Hay Fever, Catarrh, Asthma;" (circular) "Only by checking the cold at the start, can you be safe against grippe, bronchitis, 'flu' or the many more serious illnesses that result from common colds. * * * is helpful in certain nasal and bronchial conditions, catarrh, Hay Fever and Asthma."

On November 16, 1931, the Adson Chemical Co. (Inc.), of New York, N. Y., claimant, having admitted the allegations of the libel and having consented to condemnation and forfeiture of the property, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled and that it should not be disposed of in violation of the Federal food and drugs act or the laws of any State, Territory, or insular possession of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19171. Adulteration and misbranding of I-Heal-I-Tone and misbranding of Shapley's vegetable prescription, Shapley's liver tonic, I-Heal-I-Tone, Shapley's Derol, Unguentum Camphoratum, and Shapley's Tonup. U. S. v. 47 Packages of Shapley's Vegetable Prescription, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26951, 26952, 26953, 26974, 26975. I. S. Nos. 25547, 25548, 25549, 35707, 35708. S. Nos. 5133, 5181.)

Examination of Shapley's vegetable prescription, Shapley's liver tonic, I-Heal-I-Tone, Shapley's Derol, Unguentum Camphoratum, and Shapley's Tonup showed that the labeling of the articles bore statements representing that they possessed curative and therapeutic properties which in fact they did not possess. Shapley's Tonup contained less alcohol than declared on the label, and the I-Heal-I-Tone was represented to be antiseptic, whereas it was not.

On September 11 and 17, 1931, the United States attorney for the Western District of Missouri, 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 47 packages of Shapley's vegetable prescription (each package also containing a sample of Shapley's liver tonic contained in an envelope), 23 large and 22 small boxes of I-Heal-I-Tone, 48 packages of Shapley's Derol, 2¾ dozen jars of Unguentum Camphoratum, and 6 dozen bottles of Shapley's Tonup, remaining in the original unbroken packages at Kansas City,