

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing on the carton label, regarding the curative and therapeutic effects of the article, were false and fraudulent. "Use Servex before retiring for the treatment of Leucorrhoea and other vaginal infections."

This department in its report to the United States attorney recommended that the libel charge, in addition to the above, that the following statements appearing in a circular shipped with the article also were false and fraudulent: (Circular) "Your Health Madam! Do You know a woman who is suffering from leucorrhoea or other pelvic disorders, or who is gambling her health by using poisons for her personal hygiene needs? Tell her about Servex. * * * Relief of Pelvic Congestion Did you know that three out of every four women suffer from various degrees of pelvic congestion. This congestion causes that feeling of weight and discomfort, drains vitality, upsets the nervous system, and prepares the way for serious disorders. Servex * * * relieves congestion and frequently removes the causes which would necessitate long and painful treatments by physicians. Leucorrhoea Perhaps you have used Servex for the treatment of leucorrhoea. If so, you know that it is particularly effective for this as for other pelvic disorders. Recommend Servex to a friend who is troubled with leucorrhoea and you will doubly bind that friendship by so doing. * * * 'We have observed the action from the use of Servex the last three years and can highly recommend it in all vaginal disorders as well as for prophylactic purposes.' * * * 'A safe sanitary measure for combating the usual infectious conditions of the vaginal area. It is decidedly one of the most pleasant methods of applying an antiseptic in pelvic regions, as well as efficacious.' 'During the past year I have used Servex continually in the office on vaginal infections. Am gratified to say that the results have been uniformly satisfactory.'"

On December 22, 1931, the Servex Laboratories, Hollywood, Calif., having appeared as claimant for the property, the court ordered that the said claimant be permitted to obtain possession of the goods upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act. The product having been relabeled under the supervision of this department, the bonds were ordered discharged on November 7, 1932.

HENRY A. WALLACE, *Secretary of Agriculture.*

19892. Adulteration and misbranding of Capsules Phenammo and Capsules Insulans. U. S. v. The Philadelphia Capsule Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 26671. I. S. Nos. 29101, 29979.)

This action was based on the shipment of a quantity of Capsules Phenammo, samples of which were found to contain a smaller amount of acetphenetidin than declared on the label; also of a shipment of Capsules Insulans that were represented to contain insulin, and which were in fact inert, i. e., containing none of the therapeutically important principles of insulin. Examination showed further that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed on the labels.

On August 3, 1932, the United States attorney for the Eastern 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 an information against the Philadelphia Capsule Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 14, 1931, from the State of Pennsylvania into the State of New Jersey, of a quantity of Capsules Phenammo, and on or about February 23, 1931, from the State of Pennsylvania into the State of Delaware, of a quantity of Capsules Insulans, both of which products were adulterated and misbranded.

Analyses of samples of the articles by this department showed that the Capsules Phenammo contained 2.363 grains of acetphenetidin each and that the Capsules Insulans were physiologically inert. The articles were labeled in part, respectively: "Capsules Phenammo Represents Acetphenetidine 3 grs. * * * Philadelphia Capsule Co., Inc. Philadelphia, Pa.;" "Capsules Insulans (Philcapco) Each Capsule Represents Insulin 1 unit Dose: One capsule before meals and at bed time, doubling the amount at the end of a week, and continue indefinitely. Blood sugars should show a 35 per cent distinct reduction if the above instructions are followed."

Adulteration of the Capsules Phenammo was alleged in the information for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each capsule was represented to contain 3 grains of acetphenetidin, whereas each of said capsules contained less than 3 grains of acetphenetidin. Adulteration of the Capsules Insulans was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each capsule was represented to contain insulin, whereas the article contained in the said capsules was inert.

Misbranding of the Capsules Phenammo was alleged for the reason that the statement "Capsules * * * Represents Acetphenetidine 3 grs.," borne on the label, was false and misleading, since each of said capsules contained less than 3 grains of acetphenetidin. Misbranding of the Capsules Insulans was alleged for the reason that the statements, to wit, "Each Capsule Represents Insulin 1 Unit. Dose: One capsule before meals and at bed time, doubling the amount at the end of a week and continue indefinitely. Blood sugars should show a 35 per cent distinct reduction if the above instructions are followed," borne on the label, were false and misleading, since each of the said capsules did not represent insulin 1 unit, and the said capsules when used as directed did not effect a reduction of 35 per cent in blood sugars, but were inert. Misbranding of the Capsules Phenammo was alleged for the further reason that certain statements, designs, and devices regarding the curative or therapeutic effects of the article falsely and fraudulently represented that it was effective as a treatment for dysmenorrhea and influenza. Misbranding of the Capsules Insulans was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective to reduce blood sugars in the system.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

HENRY A. WALLACE, *Secretary of Agriculture.*

19893. Misbranding of Eson. U. S. v. 12 Dozen Small Bottles, et al., of Eson. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27744. I. S. No. 12676. S. No. 5819.)

Examination of the drug preparation involved in this case showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in a circular shipped with the article. The product also was represented to be an antiseptic and germicide, whereas it was not; and was further represented to contain iodine, whereas it contained no free iodine.

On February 16, 1932, the United States attorney for the District of Oregon, 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 12 dozen small bottles and four dozen large bottles of Eson, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 20, 1930 (1931), by the Pharmacy Products (Inc.), from Wilmington, Calif., to Portland, Oreg., 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 small proportions of phenol and an iodine compound, glycerin, alcohol (3.7 percent), and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling were false and misleading: (All cartons) "Antiseptic * * * It contains * * * iodine;" (large carton in addition to above) "Eson does more than kill bacteria * * * not only kills bacteria * * *;" (bottle labels) "Eson is an effective antiseptic and germicidal preparation;" (circular entitled "Brings Relief to the Talkies") "This preparation checks the growth of bacteria, which are always present in everybody's mouth, throat, and nose, and which multiply and make trouble the moment natural resistance to them falls below par. * * * kills the bacteria, * * * Eson is a remarkably effective antiseptic and germicidal preparation. * * * an antiseptic and bactericide;" (circular entitled "Secures Peace of Mind") "Its bactericidal ingredients make the cleaned surfaces antiseptic