

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20151-20175

[Approved by the Acting Secretary of Agriculture, Washington, D.C., June 17, 1933]

20151. Misbranding of Indian New Discovery. U.S. v. 75 Bottles of Indian New Discovery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27823. I.S. No. 51235. S. No. 5912.)

Examination of the drug preparation involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On March 13, 1932, the United States attorney for the Western District of South Carolina, 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 75 bottles of Indian New Discovery at Greenville, S.C., alleging that the article had been shipped in interstate commerce on or about February 12, 1932, by the Justice Drug. Co., from Greensboro N.C., to Greenville, S.C., 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 chloroform, ether, ammonia, volatile oils including camphor, turpentine oil, sassafras oil, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle and carton labels, regarding the curative or therapeutic effects of the article, falsely and fraudulently represented that it contained ingredients or medicinal agents effective in the diseases and conditions named therein: (Bottle label) "For all aches and pains. Rheumatism, Swollen and Stiff joints, Lumbago, * * * Toothache, * * * For Rheumatism—First bathe the painful parts in real warm water; dry off with coarse towel; then apply Liniment freely by pouring it on. Let it soak in, then apply again. Repeat several times during the process of treatment. This process should be applied three times daily until all swelling and soreness is relieved"; (carton) "For Rheumatism * * * Toothache * * * Swollen Joints Colic And other Aches and Pains about the body Directions For Rheumatism.—First bathe the affected parts in real warm water; then dry off and apply the Indian New Discovery freely by pouring it on. Let it soak in and then apply again. Repeat several times during the process of treatment. This process should be applied three times daily until all swelling and soreness is relieved. * * * For Cramp Colic—Take a teaspoonful in water * * * in cases of rheumatism."

On June 6, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20152. Misbranding of Tal-O-Rub. U.S. v. 263 Small Packages, et al., of Tal-O-Rub. Default decree of condemnation and destruction. (F. & D. No. 28869. Sample No. 2738-A.)

Examination of the drug preparation involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 7, 1932, the United States attorney for the Northern District of Iowa, 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 263 small packages and 72 large packages of Tal-O-Rub, remaining in the original unbroken packages at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about February 26, 1931, by the McKesson Hall Van Groder Co., from Cleveland, Ohio, to Sioux City, Iowa, 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 capsicum extract, volatile oils including eucalyptol, menthol, and camphor, and an ointment base composed principally of a petroleum product such as petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the jar and carton labels and in an accompanying circular, were false and fraudulent: (Jar) "Foe of Congestion * * * For * * * Croup, Sore Throat, Cold in Chest, Etc. * * * for Lumbago * * * Rheumatism * * * Cover with warm flannel when using on throat, chest or on joints in rheumatism"; (carton) "Foe of Congestion for * * * sore throat, bronchitis * * * Recommended for * * * Rheumatism"; (circular) "Foe of Congestion * * * Used for * * * Sore Throat, Croup, Cold on the Chest. Etc. * * * in the treatment of coughs, * * * and bronchial affection. * * * in all affections where congestion is present. * * * congested area, breathing is made easier and rest is assured. Especially is this true in chest colds when even the heart is overtaxed to keep up a proper circulation. * * * relieves the congestion and lowers the temperature if fever is present. For Children. General Directions—for using in Coughs, * * * Bronchitis, Croup and Sore Throats— * * * For adults (General Directions for all affections of the respiratory tract— * * * Rheumatism * * * Quick Relief follows. * * * Aching Feet * * * Relieves * * * and bunions."

On November 1, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20153. Adulteration and misbranding of fluidextract of squill. U.S. v. Eleven 4-ounce Bottles of Fluidextract Squill. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28963. Sample No. 12290-A.)

This action involved the shipment of a product represented to be fluid extract of squill of pharmacopoeial standard, samples of which were found to possess a potency of less than one half of that required by the United States Pharmacopoeia.

On September 29, 1932, the United States attorney for the Southern District of New York, 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 eleven 4-ounce bottles of fluidextract of squill at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 18, 1931, by Sharp & Dohme, from Philadelphia, Pa., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

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 as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Squill U.S.P.X. * * * Standard: Each CC. represents 1 Gram or each Fluid Ounce Represents 456 Grains of Squill", were false and misleading.

On October 18, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*