

20376. Misbranding of Merchant's Gargling Oil Liniment Family Use and Merchant's Gargling Oil Liniment Man or Beast. U.S. v. 42 Small Bottles of Merchant's Gargling Oil Liniment Family Use, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28819. Sample nos. 4094-A, 4095-A.)

Examination of the drug preparations involved in this action disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 13, 1932, the United States attorney for the Northern District of Illinois, 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 42 small bottles, 10 medium-sized bottles, and 10 large bottles of Merchant's Gargling Oil Liniment Family Use, and 29 bottles of Merchant's Gargling Oil Liniment Man or Beast, at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about May 2, 1932, by the Merchant's Gargling Oil Co., from Lockport, N.Y., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the liniment labeled "For Family Use" consisted essentially of extracts of plant drugs, a tarry substance, volatile oils (including tar oil, turpentine oil, eucalyptol, and camphor), ammonia, alcohol (34.6 percent by volume), and water; and that the liniment labeled "Man or Beast" consisted essentially of tar, ammonia, volatile oils (including turpentine oil, eucalyptol, and camphor), alcohol (34 percent by volume), and water.

It was alleged in the libel that the labeling of the Gargling Oil Liniment Family Use contained false and fraudulent statements regarding the therapeutic or curative effects of the article in pain, rheumatism, lumbago, sciatica, lame back, strains of every nature, pleurisy, quinsy, sore throat, cramps, bunions, sore, tired aching feet, nervous and muscular ailments following broken arches of the feet, piles, caked breasts, sore nipples, backache, toothache, lameness, stiff neck, stiff joints, swellings, headache, earache, old sores, external poisons, facial blemishes, boils, bites of animals, ingrown toe-nails, swollen feet, tender feet, stings from poisonous insects; and that the labeling of the Gargling Oil Liniment Man or Beast contained false and fraudulent statements regarding the therapeutic or curative effects of the article in cockle joints, cracked heel, ring bone, bony enlargement, poll evil, shoulder or stifle lameness, spavins, sweeny, fistula, sitfast, external poisons, grease, stringhalt, rusty-nail pricks, lameness, foundered feet, spavin, splint, horn distemper, roup in poultry, influenza, pain, crown scab, thrush, fever in feet, quittor, chronic abscess of feet, swellings, wounds of joints and tendons, foul ulcers, abscess of udder, and udder ills.

On November 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

20377. Misbranding of King's Ceko dental paste. U.S. v. 33 Packages of King's Ceko Dental Paste. Default decree of forfeiture and destruction. (F. & D. no. 29538. Sample no. 16416-A.)

Examination of the drug preparation, King's Ceko dental paste, disclosed that the article contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the tube and carton labels.

On November 26, 1932, the United States attorney for the District of Massachusetts, 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 33 packages of King's Ceko dental paste, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 17, 1932, by C. G. King & Co., Inc., from Providence, R.I., to Boston, Mass., 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 calcium carbonate (34 percent), potassium chlorate (11 percent), glycerin (20 percent), potassium bicarbonate, volatile oils, including anise oil, menthol, and methyl salicylate, gum, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labeling were false and fraudulent: (Carton) "Ceko Dental Paste * * * greatly reduces danger of infections of the gums including Pyorrhoea. * * * Have little fear of Pyorrhoea or of

other infections of the gums"; (tube) "It Is Your Duty * * * To Keep * * * The Gums Healthful. Ceko Will Do This."

On December 30, 1932, no claimant having appeared for the property, judgment of 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.*

20378. Adulteration and misbranding of tincture of digitalis. U.S. v. 5 Bottles of Tincture of Digitalis U.S.P. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29305. Sample nos. 3354-A, 4580-A.)

This action involved two shipments of tincture of digitalis, which was represented to be of pharmacopoeial standard, and which was found upon examination to have a potency materially less than that required by the United States Pharmacopoeia.

On or about November 21, 1932, the United States attorney for the Eastern District of Michigan, 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 5 bottles each containing 1 gallon of tincture of digitalis at Detroit, Mich., alleging that the article had been shipped in interstate commerce in part on or about July 29, 1931, and in part on or about January 19, 1932, by the National Pharmaceutical Manufacturing Co., from Baltimore, Md., to Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture of Digitalis USP."

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 containers.

Misbranding was alleged for the reason that the statement, "Tincture of Digitalis USP * * * standardized", appearing on the label, was false and misleading.

On December 16, 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.*

20379. Adulteration and misbranding of tincture of digitalis. U.S. v. Three 1-Pint Bottles, et al., of Tincture of Digitalis. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27339. I.S. no. 45257. S. no. 5527.)

This action involved the interstate shipment of a quantity of tincture of digitalis which was represented to be of pharmacopoeial standard and which was found to have a potency of about two thirds of that required by the United States Pharmacopoeia.

On December 4, 1931, the United States attorney for the Eastern District of Missouri, 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 three 1-pint bottles and one 4-ounce bottle of tincture digitalis, remaining in the original packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 14, 1931, by Schieffelin & Co., from New York, N.Y., to St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture Digitalis * * * (Tinctura Digitalis U.S.P.) * * * Standardized biologically to meet the U.S.P. requirements."

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, since its potency was only two thirds of that required by the said standard.

Misbranding was alleged for the reason that the statements on the can label, "Tincture Digitalis * * * (Tinctura Digitalis U.S.P.) * * * standardized biologically to meet the U.S.P. requirements", were false and misleading.

On December 12, 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.*