

court a libel praying seizure and condemnation of 33 large bottles and 196 sample-sized bottles of Benaris at Trenton, N. J.; alleging that the article had been shipped in interstate commerce on or about January 27, 1939, by Benaris from Cleveland, Ohio; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mineral oil, camphor, and ephedrine.

It was alleged to be misbranded in that the bottle label and circulars shipped with it bore false and fraudulent representations regarding its curative and therapeutic effectiveness in the treatment of coughs, nasal catarrh, sinusitis, and other similar conditions of the nose and throat, bronchitis, sinus congestion, sinus headaches, headaches from alcoholic indulgence, hay fever, rose fever, laryngitis, mouth breathing, sore throat, short breathing, and wheezing from asthma and hay fever, congestions and many other discomforts due to local inflammatory conditions of the nose and throat, influenza, aches and pains in the neck and shoulders, sleeplessness, congestion of the ear drums and middle ear, eye congestion and inflammation, soreness of eyeballs, blurred vision, itching of the eyelids, nose bleeding, pains in the sides and heart, dry nasal catarrh accompanied by foul odors and crusts; effective as a sinus inhalant; effective to maintain easier breathing, to lubricate mucous membranes, to reduce inflammation, to reduce troublesome inflammatory congested state of the nasal mucous membranes, and to cleanse the bronchial tubes of any accumulated mucus that had been causing chest discomfort and coughing; effective to enable the mucus to flow freely through the nostrils without forceful blowing; effective when used by singers and speakers to maintain easier breathing and to cause air cavities to be open, sound, and healthy; effective to produce a normal condition in those suffering from congestion due to drafts, unsuitable climate, strong odors, paints, acids, and perfumes; and effective to preserve and improve the sensitiveness of the membrane.

On April 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30645. Adulteration and misbranding of Para-Iodol. U. S. v. Leeds Bio-Chemical Laboratories. Plea of nolo contendere. Fine, \$25. (F. & D. No. 42540. Sample No. 1607-D.)

This product was represented to contain one-half grain of iodine per fluid ounce; whereas it contained less than one-fifth grain of iodine per fluid ounce.

On August 3, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leeds Bio-Chemical Laboratories, a corporation, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act on or about January 5, 1938, from the State of Pennsylvania into the State of Delaware, of a quantity of Para-Iodol which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Contains $\frac{1}{2}$ gr. of Iodine per fluid ounce," since it contained less than one-half grain of iodine per fluid ounce.

Misbranding was alleged in that the label statement "Contains $\frac{1}{2}$ gr. of Iodine per fluid ounce" was false and misleading, since the article contained less than one-half grain of iodine per fluid ounce.

On June 8, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30646. Misbranding of cotton swab applicators with tongue blades. U. S. v. 75 Cartons of Cotton Swabs and Tongue Blades. Default decree of condemnation and destruction. (F. & D. No. 45257. Sample No. 47279-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained an appreciable amount of borie acid, whereas it contained but a trace thereof.

On May 2, 1939, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cartons of cotton swabs and tongue blades at Washington, D. C.; alleging that the article had been shipped

on or about February 2, 1939, by the Woltra Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard and quality under which it was sold, namely, "Made From Sterilized Absorbent Cotton," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statements in the labeling, (envelope) "Sanitary Applicators Boric Acid Dipped Swabs * * * Tongue Blade," (carton) "Sanitary Cotton Swab Applicators with Tongue Blade," "Made From Sterilized Absorbent Cotton and Dipped in Boric Acid," and "Sanitary Cotton Swab Applicators are Approved and Recommended By Doctors and Nurses," and the designs of a surgeon, a nurse, a man applying an applicator to the mouth of a boy, and a nurse applying an applicator to the eye of an infant, were false and misleading when applied to an article that was not sterile but which was contaminated with viable micro-organisms and which contained but a trace of boric acid.

On May 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30647. Misbranding of syrup of tar. U. S. v. 171 Bottles of Syrup of Tar with Extract of Cod Liver and Menthol. Default decree of condemnation and destruction. (F. & D. No. 44601. Sample No. 41764-D.)

This product was labeled to create the impression that it contained an appreciable amount of the active constituents of cod-liver oil; whereas it contained only insignificant amounts of vitamins A and D, active constituents of cod-liver oil. Furthermore, it was labeled to create a false impression regarding the identity of its manufacturer and the State of its manufacture.

On December 31, 1938, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171 bottles of the hereinafter-described product at Wilmington, Del.; alleging that it had been shipped in interstate commerce on or about September 30, 1938, from Philadelphia, Pa., by Merit Laboratories Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "with extract of Cod Liver," appearing on the carton and bottle label and the design of a codfish appearing on the carton were false and misleading, since they created the impression that the article contained the active constituents of cod-liver oil; whereas it contained only insignificant proportions of the active constituents of cod-liver oil, i. e., vitamins A and D. A further allegation of misbranding was that the statement "Red Cross Pharmacy * * * 8th & Du Pont Streets Wilmington, Del.," appearing on the carton and bottle label, was false and misleading in that it created the impression that the article was manufactured by the Red Cross Pharmacy in the State of Delaware; whereas it was manufactured by Merit Laboratories Co. in the State of Pennsylvania.

On April 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30648. Misbranding of Gordon N-A-C Tablets, Gordon Stock Tonic, Gordon Bag Salve, and Gordon Red Liniment. U. S. v. McConnon & Co. Plea of nolo contendere. Fine, \$65. (F. & D. No. 42532. Sample Nos. 45767-C, 45771-C, 45773-C, 45774-C, 45777-C.)

These products were misbranded because of false and fraudulent curative and therapeutic claims. The Gordon Red Liniment was misbranded further in that it was intended for internal administration but contained carbitol (ethyl ether of diethylene glycol), which is a toxic substance.

On January 24, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McConnon & Co., a corporation, Winona, Minn., alleging shipment by said company on or about June 8, 1937, from the State of Minnesota into the State of Iowa, of quantities of the above-named drug preparations which were misbranded.

Analyses of samples showed that the N-A-C Tablets consisted essentially of volatile alkaloids (nicotine and arecoline), salts, calomel, and plant material,