

Misbranding was alleged in that the statement on the label, "Oil Sandalwood East Indian USP," was false and misleading since it caused the purchaser to believe that the article was sandalwood oil; whereas it did not meet the requirements of the United States Pharmacopoeia for sandalwood oil, since it contained terpineol. A portion of the article was alleged to be misbranded further in that it was offered for sale and sold under the name of another article.

On October 17, 1938, Magnus, Mabee & Reynard, Inc., having filed an answer in the action instituted at Detroit, Mich., admitting the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled "Oil of Sandalwood and Terpineol. For technical use only."

On October 18, 1938, no claim having been entered in the remaining action, judgment of condemnation was entered and the product was ordered destroyed.

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

30784. Adulteration and misbranding of cod-liver oil. U. S. v. Six Drums of Non Destearinated Cod Liver Oil. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 45453. Sample No. 41823-D.)

This product contained approximately three-fourths the amount of vitamin D it was represented to contain.

On June 6, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six drums of cod-liver oil at Lansdale, Pa.; alleging that the article had been shipped in interstate commerce on or about December 30, 1938, by Wm. J. Wardall, trustee for McKesson & Robbins, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part "160 D." The invoice covering the sale bore the statement "Poultry C L O 160 Vit D 1000 Vit A Per Gram."

It was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, the statement on the label "160 D," and the representation in the invoice to the effect that it contained 160 units of vitamin D per gram, since it did not contain 160 A.O.A.C. chick units of vitamin D per gram, but did contain a less amount.

Misbranding was alleged in that the statement "160 D," borne on the label, was false and misleading, since it represented that the article contained 160 A.O.A.C. chick units of vitamin D per gram; whereas it contained a smaller amount.

On June 26, 1939, McKesson & Robbins, Inc., by Wm. J. Wardall, trustee, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

30785. Misbranding of Vino San Lazaro and Remedio San Lazaro. U. S. v. 2,275 Cartons of Vino San Lazaro and 1,184 Cartons of Remedio San Lazaro. Consent decrees of condemnation. Products released under bond for relabeling. (F. & D. Nos. 44183, 44184. Sample Nos. 5136-D, 11962-D.)

The labeling of these products bore statements, designs, and devices regarding their curative and therapeutic effects which were false and fraudulent.

On September 17, 1938, the United States attorney for the District of Puerto Rico, acting upon a report by the Department of Health of Puerto Rico, filed in the district court two libels praying seizure and condemnation of 2,275 cartons of Vino San Lazaro and 1,184 cartons of Remedio San Lazaro at Santurce, P. R.; alleging that the articles were in possession of West Indies Patent Medicine Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of Vino San Lazaro showed that it was an aromatic, dark brown water solution containing about 30 percent of sugar, about 14 percent of alcohol, about 1 percent of a phosphate or other phosphorus compound, about 1 percent of protein material, about 0.5 percent of lecithin, and minute traces of copper and manganese possibly as constituents of liver extract. Analysis of a sample of Remedio San Lazaro showed that it was a dark brown sugar sirup containing about 4 percent of salicylate of soda, together with traces of an iodide and of an alkaloidal drug (possibly colchicum), a small amount of cascara, and flavoring material (possibly including sarsaparilla).

The articles were alleged to be misbranded in that the statements, designs, and devices appearing on the bottle label and carton and in the circular were statements regarding their curative or therapeutic effects and were false and fraudulent. The statements in the labeling were as follows: (Vino San Lazaro, bottle and carton, English translation of the Spanish) "Vino San Lazaro (Saint Lazarus Wine) Contains: 236 cc Shake Before Using Dose for adults: 3 tablespoonfuls a day. It well deserves the place of preference in the household. Any person with a concern for the health of his family should prefer this wine which has been used with success for more than a quarter of a century in the civilized countries. Read the instructions. Shake before using. Sold in all pharmacies of Cuba, Mexico, Santo Domingo and Porto Rico. Guaranteed by the Centilac Co. San Juan, P. R."; (circular) "Vino San Lazaro (Saint Lazarus Wine) Combats with success the anemia and chlorosis, purifies the blood, increases the red corpuscles. Old people recover their strength by using it and their physical and mental powers return. It is also recommended in decay, consumption, debility and neurasthenia. It serves as an ideal preventive, increases the bodily resistance to catarrhs and disorders of the chest. It invigorates the entire organism, enabling it to resist the onset of bronchial diseases. Its good results have been tested in the coughs of old persons. These coughs have rapidly disappeared with the first bottle. This powerful tonic will give you the physical energy and mental alertness of perfect health—the capacity for the conquest of life. It enriches the blood, restores the wasted tissues, soothes the excited nerves, induces restorative sleep, revives the appetite and strengthens the digestion. In short, it will place new life, new vigor and new energy in every fibre of your being. Dose for adults; 2 tablespoonfuls a day"; (Remedio San Lazaro, bottle and carton) "Remedio San Lazaro (Saint Lazarus Remedy) Contains: 236 cc It well deserves the place of preference in the household. Any person with a concern for the health of his family should prefer this remedy which has been used with success for more than a quarter of a century in the civilized countries. This patented remedy may be taken at any season of the year. It does not affect the heart or the kidneys. Read the instructions. Shake before using. Sold in all the pharmacies of Cuba, Mexico, Santo Domingo and Porto Rico. Guaranteed by The Centilac Co. San Juan, P. R."; (circular) "Remedio San Lazaro (Saint Lazarus Remedy) The Remedio San Lazaro is now sold in the five continents of the world and the demand for it is due to the fact that, in contrast to the iodated preparations, it does not irritate the throat, does not attack the teeth and does not affect the heart and kidneys. The demand for it is also due to the fact that it does not contain irritating substances and that it is not a palliative which alleviates but a remedy of vigorous action. The Remedio San Lazaro may be used at any season of the year. Dose for adults: three tablespoonfuls a day taken in the following manner: one tablespoonful after breakfast in the morning, which may be dissolved in a little water. Another tablespoonful is taken a half hour before the noonday meal in the same manner. The dose may be increased in some cases to 4 tablespoonfuls a day, according to medical prescription. Children from 6 to 12 years of age will take a tablespoonful before the two principal meals." All labels bore the following design: The figure of a monk, swords, and a dagger suspended over his head, his head bowed and hands clasped, his face and hands disfigured with sores. Prominently displayed below as part of the names were the words "San Lazaro," the patron saint of lepers. A hand, also disfigured by sores, and several medals completed the design.

On October 4, 1938, West Indies Patent Medicine Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond, conditioned that they not be disposed of until properly relabeled.

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

30786. Adulteration and misbranding of Q-Tips. U. S. v. 51 Dozen Packages and 50 Dozen Packages of Q-Tips (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 45203, 45256. Sample Nos. 45171-D, 60075-D, 60076-D.)

This product was represented to consist of boric-tipped sterilized swabs. It contained, however, but a trace of boric acid and when examined it was contaminated with viable micro-organisms. It had been shipped in interstate commerce and remained unsold and in the original packages.