

contains * * * box sterilized cotton," since the cotton was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Each package contains * * * box sterilized cotton" was false and misleading; and in that the statements on the carton, "Earakine for relief of earaches * * * pour two or three drops into ear affected," were statements regarding its curative or therapeutic effects and were false and fraudulent.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30023. Adulteration and misbranding of ampuls of phenobarbital sodium. U. S. v. 15 Packages of Ampuls of Phenobarbital Sodium (and 1 other seizure action against the same product). Default decree of condemnation and destruction. (F. & D. Nos. 44213, 44346. Sample Nos. 20348-D, 30655-D to 30659-D, inclusive.)

This product was intended for parenteral administration and for such purposes should be sterile. Examination showed, however, that it was contaminated with viable micro-organisms.

On October 19 and November 14, 1938, the United States attorneys for the Western District of Texas and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 15 packages of ampuls of phenobarbital sodium at El Paso, Tex., and 81 ampuls of the product at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce within the period from on or about November 5, 1937, to on or about September 16, 1938, by the Intra Products Co. from Denver, Colo.; and charging adulteration and misbranding of the former lot and adulteration of the latter in violation of the Food and Drugs Act.

Adulteration of both lots was alleged in that the purity of the article fell below the professed standard of quality under which it was sold, namely, "Phenobarbital Sodium," a sterile preparation since it was phenobarbital sodium contaminated with viable micro-organisms.

Misbranding was alleged with respect to the lot seized at El Paso, Tex., in that the statement "Phenobarbital Sodium," borne on the ampuls, was false and misleading when applied to an article that was contaminated with viable micro-organisms, and in that it was sold under the name of another article, namely, phenobarbital sodium in ampul form.

On December 7 and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

30024. Adulteration and misbranding of Testagar Fortified. U. S. v. Six Boxes of Testagar Fortified. Default decree of condemnation and destruction. (F. & D. No. 44291. Sample No. 42742-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 infested with insect larvae. It was labeled to convey the impression that it was agar fortified with some other drug; whereas it consisted of material derived from psyllium seed or some closely related seed and a small proportion of embryonic material.

On November 12, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of Testagar Fortified at Buffalo, N. Y.; alleging that the article had been shipped on or about April 28, 1937, and on or about January 20, 1938, by the Testagar Laboratories, Inc., from Detroit, Mich.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Testagar Fortified" in that this designation created the impression that it was a preparation of agar fortified with some other drug; whereas it consisted essentially of the mucilaginous material from psyllium seed or some closely related seed and a relatively small proportion of embryonic material such as embryonic radicles of grain, infested with worms (larvae).

Misbranding was alleged in that the statement on the label, "Testagar Fortified," was false and misleading.

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30025. Adulteration and misbranding of camphorated oil and Laxative Head Cold Tablets and misbranding of Hygienic Mouth Wash and Vapor Balm. U. S. v. Mother Hubbard Products Co., Inc., Milton M. Baldock, and Richard H. Lingott. Pleas of guilty. Fine, \$200. (F. & D. No. 42598. Sample Nos. 21923-D, 21924-D, 21926-D, 21927-D.)

This case involved mouthwash which contained undeclared alcohol and which bore on its label false and fraudulent curative and therapeutic claims; camphorated oil which differed from the standard prescribed by the United States Pharmacopoeia and which bore on its label false and fraudulent curative and therapeutic claims; cold tablets which contained less acetanilid than declared and which were falsely represented to be harmless; and Vapor Balm the labeling of which bore false and fraudulent therapeutic and curative claims.

On November 4, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mother Hubbard Products Co., Inc., Chicago, Ill., and Milton M. Baldock, and Richard H. Lingott, alleging shipment by said defendants in violation of the Food and Drugs act as amended, on or about April 18, 1938, from the State of Illinois into the State of Indiana, of quantities of the hereinafter-described drug products which were misbranded and portions of which also were adulterated.

Certain of the products were labeled: "Hygienic Mouth Wash and Throat Gargle [or "Mother Hubbard Camphorated Oil" or "Mother Hubbard Remedies Laxative Head-Cold Tablets"] * * * Mother Hubbard Products Co." One product was labeled: "Vapor Balm * * * Manufactured by G. A. Goodrich Co., Chicago."

Analysis showed that the mouthwash consisted essentially of zinc chloride, glycerin, alcohol (2.7 percent by volume), and water flavored with oil of cinnamon; that the camphorated oil contained less than 19 percent of camphor, namely, not more than 10.6 percent of camphor; that the Vapor Balm consisted essentially of volatile oils including menthol and methyl salicylate incorporated in a petrolatum base; and that the cold tablets contained less than 2 grains, namely, not more than 0.913 grain of acetanilid per tablet.

The mouthwash was alleged to be misbranded in that it contained 2.7 percent of alcohol by volume and its package, namely, the bottle, failed to bear a statement on the label of the quantity or proportion of alcohol contained in it. It was alleged to be misbranded further in that certain statements on the bottle label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of bad breath, sore throat, tonsillitis, tender gums, hoarseness, bad-teeth odors, mouth sores, and pyorrhea.

The camphorated oil was alleged to be adulterated in that it was sold under a name, camphorated oil, a synonym of a name recognized in the United States Pharmacopoeia, namely, camphor liniment; that the standard of strength, quality, and purity of camphor liniment as determined by the tests laid down by the pharmacopoeia required that the article contain in each 100 grams not less than 19 percent of camphor; whereas the article contained not more than 10.6 percent of camphor, and its own standard of strength, quality, and purity was not stated on the label. It was alleged to be misbranded in that certain statements on the bottle label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for croup and asthma.

The cold tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that they were labeled "Each tablet contains 2 grains acetanilid"; whereas each tablet contained not more than 0.9 grain of acetanilid. They were alleged to be misbranded in that the statements, "Each tablet contains 2 grains acetanilid * * * They do not contain harmful habit-forming drugs," were false and misleading since each tablet contained not more than 0.9 grain of acetanilid and the article contained a harmful habit-forming drug, namely, acetanilid.

The Vapor Balm was alleged to be misbranded in that certain statements on the jar label and in the circular shipped therewith, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective when used as a liniment or dressing for bruises, swellings, headaches, severe muscular pain, or a chronic condition of irritation; effective to cause