

tor, bottle) "Gastric Assimilator * * * For Chronic and Long Standing Cases * * * For all Ordinary Cases," (carton) "Gastric Assimilator * * * It Relieves Pain It eases a Sore Side It Beats the World to use in Childbirth."

On January 17, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

30224. Misbranding of Dr. Miller's Intraclean. U. S. v. The Miller Co., Inc., Joseph S. Miller, and Ignacy Kisil. Pleas of guilty. Joseph S. Miller fined \$50. Miller Co. and Ignacy Kisil each fined \$600, payment of which was ordered suspended. (F. & D. No. 39784. Sample Nos. 17875-C, 35204-C, 35205-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 8, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Miller Co., Inc., Newark, N. J., Joseph S. Miller, and Ignacy Kisil, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 6 and April 7, 1937, from the State of New Jersey into the States of Pennsylvania and New York, respectively, of quantities of Miller's Intraclean which was misbranded.

Analysis showed that the article consisted essentially of broken senna leaves and buckthorn bark with a small proportion of agar-agar.

A portion of the article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective to clean the interior of the stomach; effective as a stomach intestinal cleanser, as a health restoring compound, as a stomach and intestinal regulator, and to rid the body of disease; effective as a treatment, remedy, and cure for loss of vitality, piles, loss of appetite, tiredness, nervousness, backache, kidney, liver, and bladder trouble, high blood pressure, rheumatic pains, obesity, rash, pimples, dizziness, headache, indigestion, heartburn, belching of gas, acid stomach, gas pains after eating, and bowel stagnation; and effective to kill the root of disease. The remainder was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective to clean the interior of the stomach; and effective as a stomach intestinal cleanser and as a treatment, remedy, and cure for chronic cases of constipation, imperfect elimination, indigestion, belching of gas, heartburn, headaches, difficult breathing, and gas attack.

On December 1, 1938, the defendants entered pleas of guilty. Joseph S. Miller was sentenced to pay a fine of \$50, the Miller Co., Inc., and Ignacy Kisil were each fined \$600, but payment of said fines was suspended.

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

30225. Misbranding of Tonsol. U. S. v. Edward James McCann (The Tonsol Co.). Plea of nolo contendere. Fine, \$50. Payment suspended and defendant placed on probation for 3 months. (F. & D. No. 36978. Sample No. 15531-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 11, 1936, 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 an information against Edward James McCann, trading as the Tonsol Co. at Elmira, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1935, from the State of New York into the State of California of a quantity of Tonsol which was misbranded.

Analysis showed that the article consisted of an aqueous solution of a mild silver proteinate compound.

Misbranding was alleged in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for ailments of the tonsils, enlarged or diseased tonsils, diphtheria, quinsy, tonsillitis, cankered sore throat, distress in the head, and adenoids; and effective to loosen all phlegm.

On January 10, 1939, the defendant entered a plea of nolo contendere and the court imposed a fine of \$50, but suspended payment thereof and placed the defendant on probation for 3 months.

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

30226. Adulteration and misbranding of Gilmore's Ointment of Mercury Oxide, and Gilmore's Ointment Holocain. U. S. v. Don Gilmore Laboratories, Inc. Plea of nolo contendere. Fine, \$25. (F. & D. No. 39802. Sample Nos. 37051-C, 37052-C.)

The former of these products was labeled to indicate that it was yellow mercuric oxide ointment, a product recognized in the United States Pharmacopoeia; whereas it contained less mercuric oxide than required by the pharmacopoeia for yellow mercuric oxide ointment and less than declared on its label. The latter product contained a smaller amount of holocain than declared on the label.

On November 26, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Don Gilmore Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 11, 1936, and May 17, 1937, from the State of Ohio into the State of West Virginia of quantities of the above-named products which were adulterated and misbranded. They were labeled: "Gilmore's No. 2 Ointment Mercury Ox. Flav.," and "Gilmore's No. 29 Ointment Holocain 2%."

The No. 2 ointment was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since it contained less than 0.9 percent, namely, not more than 0.66 percent of mercuric oxide; whereas the pharmacopoeia provides that yellow mercuric oxide ointment shall contain not less than 0.9 percent of mercuric oxide and the standard of strength, quality, and purity of the article was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain 2 percent of yellow mercury oxide; whereas it contained not more than 0.66 percent of yellow mercury oxide. Misbranding was alleged in that the statement on the label, "Contains Mercury Yellow Oxide 2%," was false and misleading.

The No. 29 ointment was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain 2 percent of holocain; whereas it contained less than represented, namely, not more than 1.45 percent of holocain. Misbranding was alleged in that the statement on the label, "Holocain 2%," was false and misleading.

On February 3, 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.*

30227. Adulteration and misbranding of Counts Kill-Germ. U. S. v. Abijah Henry Counts (Counts Chemical Co.). Plea of guilty. Penalty, \$25.01 in lieu of fine and costs. (F. & D. No. 39847. Sample Nos. 37068-C, 37069-C.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects, and false and misleading representations regarding its effectiveness as a germicide.

On December 27, 1937, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abijah Henry Counts, trading as Counts Chemical Co., Nashville, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 7 and December 31, 1936, from the State of Tennessee into the State of Kentucky of quantities of Counts Kill-Germ which was adulterated and misbranded.

Analysis showed that the article consisted chiefly of mineral oil, pine-needle oil, and a small amount of water. Bacteriological examination showed that it was not germicidal.

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 in that it was labeled "Kill-Germ," whereas it was not a germicide.