

**28678. Adulteration and misbranding of Nevins Solution Argyrol, Nevins Antiseptic Baby Oil, and Nevins Saltabs. U. S. v. Morris Soble, Harry S. Sylk, Albert J. Sylk, Bernard Weinberg, and William H. Sylk (Nevins Drug Co.). Pleas of nolo contendere. Fine, \$500. (F. & D. No. 40774. Sample Nos. 42214-C, 42228-C, 42232-C.)**

This case involved Solution Argyrol which contained less argyrol than declared on the label, Antiseptic Baby Oil which was represented to be an antiseptic and to contain an appreciable amount of olive oil but which was not antiseptic and contained not over 5 percent of olive oil, and Nevins Saltabs which were labeled to indicate that they derived their laxative properties from Epsom salt but derived such properties from phenolphthalein.

On February 25, 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 Morris Soble, Harry S. Sylk, Albert J. Sylk, Bernard Weinberg, and William H. Sylk, copartners trading as Nevins Drug Co., alleging shipment by said defendants in violation of the Food and Drugs Act between the dates of April 8 and May 23, 1937, from the State of Pennsylvania into the State of Maryland of quantities of the hereinafter-described drug preparations which were adulterated and misbranded. The articles were labeled variously: "Nevins Solution Argyrol 5% \* \* \* Nevins Laboratories, Phila. Penn. Distributors"; "Nevins Hospital Brand Antiseptic, U. S. P. Baby Oil. \* \* \* Nevins Drug Stores, Phila. Penna."; "A Nevins Product Saltabs \* \* \* Nevins Laboratories, Phila., Pa., Distributors."

The Solution Argyrol 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 5 percent of argyrol; whereas it contained less than represented, namely, not more than 2.95 percent of argyrol. It was alleged to be misbranded in that the statement "Solution Argyrol 5%," borne on the bottle label, was false and misleading.

The Antiseptic Baby Oil 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 be an antiseptic and to contain an appreciable amount of olive oil; whereas it was not antiseptic and consisted of 95 percent of mineral oil and not more than 5 percent of olive oil. It was alleged to be misbranded in that the statements "Antiseptic U. S. P. Baby Oil" and "Nevins Antiseptic Baby Oil is a combination of pure olive oil and mineral oil," borne on the bottle label, were false and misleading in that the said statements represented that the article was antiseptic baby oil which was recognized in the United States Pharmacopoeia and that it contained an appreciable amount of pure olive oil; whereas the article was not mentioned in the said pharmacopoeia, it was not antiseptic, and it consisted of 95 percent of mineral oil and not over 5 percent of olive oil.

The product Saltabs 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 be "Saltabs," an article owing its laxative properties to Epsom salt; whereas it did not owe its laxative properties to Epsom salt but to phenolphthalein. It was alleged to be misbranded in that the statement "Saltabs" was false and misleading in that it represented that the active ingredient of the article was a salt, namely, magnesium sulphate, or Epsom salt; whereas the active ingredient was phenolphthalein.

On March 25, 1938, the defendants entered pleas of nolo contendere, and the court imposed fines in the total amount of \$500.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28679. Misbranding of Seeqit. U. S. v. 10 Tubes and 48 Packages of Seeqit. Default decrees of condemnation and destruction. (F. & D. Nos. 41275, 41276. Sample Nos. 57560-C, 57561-C.)**

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects and false and misleading representations that it might be consumed without risk of ill effects.

On December 28, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 tubes and 48 packages of Seeqit at Newark, N. J., alleging that the article had been shipped in interstate commerce on October 27 and November 2, 1937, from New York, N. Y., by Seeqit & Tiques, Inc., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that each tablet contained approximately 4% grain of aminopyrine and  $\frac{1}{2}$  grain of caffeine.

The article was alleged to be misbranded in that the following statement in the labeling of one lot and similar statements in the labeling of the other lot were false and misleading since they created the impression that the article might be consumed in accordance with the directions without risk of ill effects when it might not be so consumed but only with the risk of serious ill effects: (Envelope) "Relieves pains and discomforts of menstruation \* \* \* At first evidence of menstrual pain or discomfort, take one tablet and repeat every three hours if necessary. Two tablets may be taken as initial dose for more than average discomfort"; (display carton) "Women—Why Suffer? A Seeqit tablet—A few minutes . . . You are perfectly fit Quickly relieves periodic pains Harmless Endorsed by many doctors"; (circular) "Needless misery The disorders attending the monthly periods have been accurately described by many medical authorities. A world-famous specialist, points out the ill effect in these words: 'During menstruation girls commonly appear pale, anxious, and a general want of tone, combined with an abnormal irritability may be noted.' The vast majority of women, especially young women, experience severe pain before, during and after menstruation. One well-known authority, describes the symptoms as follows: 'Sensations of heat, coldness of feet, retching and vomiting, cramps of the stomach and of the voluntary muscles, general disorder of nutrition, loss of appetite, constipation, dyspepsia, headache and finally hysteria.' Not all women suffer in the same degree, but practically all go through wretched days during their periods—ill at ease, depressed and nervous. Millions of Seeqit have been used by modern women. Seeqit in a few minutes relieves all these pains and discomforts, if taken in time all those unpleasanties will be avoided. Effect on charm. This suffering has a direct effect on personal charm and beauty. Pain always draws its cruel lines upon the features, causing premature wrinkles, sagging face muscles, and tell-tale signs of age. Seeqit acts without in any way interfering with the natural functions. Harmless—Not habit forming. Seeqit effects relief in a very few minutes. A Seeqit tablet, a swallow of water and all pains disappear. \* \* \* [Testimonials] \* \* \* 'It is a God-send to suffering women' \* \* \* 'Seeqit has done so much for me that I can never praise them enough. At one time I suffered so that I had to go to bed for 2 days each period. Thanks to your remedy, I can now remain at the office through it all. \* \* \* has done wonders for me.'"

The article was alleged to be misbranded further in that the statements above quoted and referred to were false and fraudulent since they created the impression that the article was a safe and appropriate remedy for the disorders mentioned; whereas it was a dangerous drug.

On February 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28680. Misbranding of Kampfmüller's Rheumatic Treatment. U. S. v. Harry A. Kampfmüller (Kampfmüller Remedy Co.). Plea of guilty. Costs of \$10 assessed. (F. & D. No. 39814. Sample No. 31545-C.)**

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On December 15, 1937, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry A. Kampfmüller, trading as Kampfmüller Rheumatic Remedy Co., Louisville, Ky., alleging shipment by said defendant on or about May 8, 1936, from the State of Kentucky into the State of Indiana of a quantity of Kampfmüller's Rheumatic Treatment which was misbranded. The article was labeled in part: "Kampfmüller Rheumatic Remedy Co., Inc."

Analysis showed that the article consisted chiefly of water, ammonium iodine, sodium salicylate, plant extractives, and a small amount of alcohol.

The article was alleged to be misbranded in that certain statements in the labeling regarding its curative or therapeutic effects falsely and fraudulently represented that it was effective as a treatment for rheumatism and effective to relieve pain and stiffness of joints and muscles, due to subacute and muscular rheumatism.

On March 18, 1938, the defendant entered a plea of guilty and the court ordered that the defendants pay \$10 costs.

W. R. GREGG, *Acting Secretary of Agriculture.*