

Analysis showed that the article consisted of tissue paper impregnated with menthol.

It was alleged to be misbranded in that the following statements borne on the wrapper, regarding its curative or therapeutic effects, were false and fraudulent: "For any nasal irritations Mentholated LaPuris Kerchiefs are ideal. * * * For * * * Hay Fever. Rose Fever. Sinus. Soothes Nasal Irritation or * * * Inflamed * * * Skin, Use as Protection When in Crowds, * * * These Mentholated Kerchiefs are especially recommended for use in case of:—Rose Fever, Hay Fever."

On March 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28702. Misbranding of milk of magnesia. U. S. v. 276 Bottles of Milk of Magnesia. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 41841. Sample No. 10009-D.)

This product was short of the declared volume.

On March 1, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 276 bottles of milk of magnesia at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 1, 1938, by the Certified Pharmaceutical Co. from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "8 Fluid Ounces," was false and misleading when applied to an article the volume of contents of which was less than 8 fluid ounces.

On March 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

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

28703. Misbranding of C. F. Emmett's Remedy for Colic. U. S. v. 90 Bottles of C. F. Emmett's Remedy. Default decree of condemnation. Product destroyed. (F. & D. No. 40905. Sample No. 61157-C.)

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

On November 26, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bottles of C. F. Emmett's Remedy for Colic at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about April 8 and August 27, 1937, by I. L. Lyons & Co., Ltd., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of an extract of plant drugs, including nux vomica and colocynth in a dilution of alcohol.

The article was alleged to be misbranded in that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle and carton) "Remedy * * * For Colic in Horses and Mules"; (bottle only) "Dose—Give animal a teaspoonful on a tablespoonful of sugar and place upon the tongue, or a teaspoonful in a wine glass of water and inject into the mouth. Repeat every ten minutes until relieved, not exceeding 5 doses. In case the animal is swollen any length of time, give one pint raw Linseed Oil, one ounce Spirits Turpentine, and one teaspoonful Emmett's Remedy—all mixed together. Give as a drench and repeat in one hour. In any mild case of colic, give 15 or 20 drops on the tongue every 15 minutes until relieved, not exceeding 8 doses."

On March 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in the manner provided for by law. It was destroyed by the United States marshal.

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

28704. Misbranding of boric acid. U. S. v. Zenith Drug, Inc. Plea of guilty. Fine, \$20. (F. & D. No. 38630. Sample Nos. 8644-C, 8784-C.)

This product was short of the declared weight.

On August 2, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Zenith Drug, Inc., New York, N. Y., alleg-

ing shipment by said corporation in violation of the Food and Drugs Act, on or about April 2 and July 10, 1936, from the State of New York into the States of Connecticut and New Jersey, respectively, of quantities of boric acid that was misbranded. The two lots of the article were labeled in part, respectively: "Boric Acid U. S. P., prepared expressly for Syl-May * * * Stamford, Conn.;" "Boric Acid Powdered Pure U. S. P., Zenith Drug, Inc., New York, N. Y."

It was alleged to be misbranded in that the statements "8 ounces" and "4 Oz.," borne on the labels, were false and misleading since they represented that each of the packages contained 8 ounces in the case of one lot and 4 ounces in the case of the other; whereas each of the packages did not contain the said amounts but did contain less amounts.

On September 8, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$20.

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

28705. Misbranding of Renolin. U. S. v. 33 Bottles of Renolin. Default decree of condemnation and destruction. (F. & D. No. 40950. Sample Nos. 11994-C, 55076-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. It also conveyed the impression that the article could be used without ill effects, whereas its use might produce serious ill effects.

On November 29, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Renolin at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 9 and October 18, 1937, from Bradford, N. H., by the Renolin Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that each tablet contained approximately 5 grains of cinchophen, 1.5 grains of aminopyrine, 2.8 grains of calcium carbonate, and a trace of phenolphthalein.

The article was alleged to be misbranded in that the following statements appearing upon the package and in a circular contained in the package 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; whereas it might not be so consumed but only with the risk of serious ill effects: (Bottle label) "A Relief for Rheumatism (Uric Acid Eliminent) * * * 1 or 2 Tablets with a glassful of Water after each meal and at bedtime"; (carton) "A Relief for Pain Articular and Muscular of Neuralgias Rheumatism Lumbago Sciatica and Gout * * * One or two Tablets with a glassful of water after each meal and at bedtime"; (circular) "For the Relief of Pain Articular and Muscular of Neuralgias, Rheumatism, Lumbago, Sciatica and Gout, Renolin contains no * * * Narcotics nor Habit Forming Drugs and does not harm the heart. Directions Take one or two tablets a short time after each meal and at bedtime as needed. Wash tablets down with a glassful of water. When prolonged treatment is necessary and the heavier dosage is employed, it is recommended that at the end of three or four days, the tablets be stopped entirely for three days and then resumed as before. * * * when needed Sodium Phosphate taken before breakfast, is highly recommended for keeping the bowels in proper condition. A tickling sensation or gas on the stomach occasionally takes place from the use of Renolin. This condition seldom occurs if plenty of water is consumed and may be entirely overcome by taking one-half teaspoonful of Bicarbonate of Soda (common soda) dissolved in the glassful of water with which the tablets are swallowed. In all cases drink plenty of good pure water. Renolin being antirheumatic * * * more efficient, rapid and less irritating in action and in many respects more desirable for the treatment of rheumatic pains, many prefer Renolin." Further misbranding was alleged in that the foregoing statements were false and fraudulent since they created the impression that the article was a safe and appropriate remedy for the disorders mentioned, when it was a dangerous drug.

On February 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28706. Misbranding of Dr. Grabill's Prescription No. 1313. U. S. v. Hi-Test Laboratories, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$100 and costs. (F. & D. No. 36980. Sample Nos. 32280-B, 32654-B.)

This product was misbranded because of false and fraudulent curative and therapeutic claims in the labeling. It also was labeled to indicate that it was