

H. & V. Sharpsteen's Registered Guaranty Complies with the Food and Drugs Act of June 30, 1906, serial No. 7923," on the bottle label and similar statements on the cartons and in a circular, were false and misleading in that they implied that a Government agency had ascertained and determined, after an investigation thereof, that the article was in compliance with the provisions of the Food and Drugs Act; whereas such was not the fact. It was alleged to be misbranded further in that the statement on the label, "1 oz. chloroform to 14 oz. of oils," was false and misleading since it implied that only 6.6 percent by volume of the article consisted of chloroform; whereas there was present in the article 15 percent by volume of chloroform.

The Vegetable Tablets were alleged to be misbranded further in that the statements, "We, the undersigned, do hereby guarantee that the articles of Foods or Drugs manufactured, packed or sold by us, Dr. Sharpsteen's Family Medicines, are not adulterated or misbranded within the meaning of the Pure Food and Drug Act of June 30, 1906. Serial No. 7923," borne on the large cartons, and similar statements borne on the small cartons and in a circular, were false and misleading in that they implied that a Government agency had ascertained and determined after investigation and examination of the article, that it was in compliance with the Food and Drugs Act; whereas such was not the case. It was alleged to be misbranded further in that the statement, "Vegetable Tablets Composed of Fruits, Roots, Herbs and Seeds That are a Blood Food and Gland Cleanser," was false and misleading in that it represented that the article was composed of substances ordinarily used for human food; whereas the article contained substances that are not used as human food.

On December 9, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$500.

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

28747. Adulteration and misbranding of hydrogen peroxide. U. S. v. 452 Bottles of Hydrogen Peroxide. Default decree of condemnation and destruction. (F. & D. No. 41738. Sample No. 1198-D.)

This product fell below its declared strength of 3 percent hydrogen peroxide, the samples examined having averaged approximately 1.67 percent thereof.

On February 17, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 452 bottles of hydrogen peroxide at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about October 28, 1937, from Pittsburgh, Pa., by the Pennsylvania Drug Products Corporation, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hydrogen Peroxide * * * 3% H₂O₂ * * * Manufactured by Exserco Products, Pittsburgh, Pa."

It was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "3% H₂O₂," since it contained less than 3 percent of hydrogen peroxide.

The article was alleged to be misbranded in that the statement on the label, "3% H₂O₂," was false and misleading and in that another statement on the label, "Hydrogen Peroxide," represented that the article was a solution of hydrogen peroxide, a drug recognized in the United States Pharmacopoeia containing not less than 2.5 grams of hydrogen peroxide per 100 cubic centimeters; whereas it was not such a preparation.

On April 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28748. Misbranding of Kroup Monia Salve, Kroup Monia Cough Syrup, Red Oil Liniment, and Aspirin. U. S. v. 27 Bottles of Kroup Monia Salve, et al. Decree of condemnation and destruction. (F. & D. Nos. 39334 to 39337, incl. Sample Nos. 34331-C, 34516-C, 34532-C, 34533-C.)

The cough syrup contained less chloroform than declared on the label; and the labeling of the remaining products bore false and fraudulent curative and therapeutic claims.

On April 26, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 27 bottles of salve, 139 bottles of cough syrup, 73 bottles of liniment, and 1,788 boxes of aspirin at Pensacola, Fla., alleging that the articles had been shipped in interstate commerce from Bessemer, Ala., in part on or about February 13 and 19, 1937, by W. D. Taylor & Co., Inc., and in part on or about February 17, 1937, by the T-Lax Products Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the salve consisted of petrolatum and small quantities of eucalyptol, menthol, thymol, camphor, and oil of turpentine; that the liniment consisted of kerosene, capsicum, and volatile oils including oil of turpentine and oil of sassafras; that the cough syrup contained 1.8 minims of chloroform per fluid ounce; and that the aspirin was as represented.

The Kroup Monia Cough Syrup was alleged to be misbranded in that the statement "4 Minims Chloroform to Ounce" was false and misleading since analysis showed that the article contained only 1.8 minims of chloroform per fluid ounce.

The remaining products were alleged to be misbranded in that the following statements regarding their therapeutic and curative effects were false and fraudulent: (Kroup Monia Penetrating Salve) "Croup Monia * * * the new and most excellent method of administering medicine by absorption and inhalation. It is a combination of Penetrating, Healing, * * * Oils, which are absorbed through the pores of the skin, relieving inflammation and congestion, and when inhaled as a vapor it reaches directly the parts affected. * * * For Croup, * * * For Pneumonia, rub well over the chest, back between the shoulder blades and the side or sides that pain, * * * For Coughs, * * * and Bronchial troubles use as for Croup. For Catarrh * * * For Piles, Burns, Inflamed Surfaces"; (Red Oil Liniment) "Excellent * * * For The Treatment Of Painful Affections Of The Nerve, Bone And Muscular System * * * Stiff Joints, muscular Rheumatism, Lumbago, Stiff Neck, Neuralgia, Swellings, * * * cramps in the stomach * * * Effective * * * In the Treatment Of Painful Affections Of The Nerve, Bone And Muscular System * * * helpful in the relief of * * * Stiffness * * * of Muscles, * * * Stiff Neck * * * and Swellings. For stomach cramps"; (aspirin) "For the Relief of * * * Croup, Lumbago, Flu, Etc."

On March 1, 1938, W. D. Taylor & Co. and T-Lax Products Co., having appeared as claimants admitting the allegations of the libel and consenting to the entry of a decree, but subsequently having withdrawn their claim, judgment of condemnation was entered and the products were ordered destroyed.

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

28749. Adulteration and misbranding of ether for anesthesia. U. S. v. 80 Cans of Ether for Anesthesia. Default decree of condemnation and destruction. (F. & D. No. 41676. Sample Nos. 8257-D, 8258-D.)

This product differed from the standard laid down in the United States Pharmacopoeia since samples examined were found to contain peroxide and aldehyde, and its own standard was not declared.

On February 25, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 one-half pound cans of ether for anesthesia at Gary, Ind., alleging that the article had been shipped in interstate commerce on or about November 30, 1937, from St. Louis, Mo., by Mallinckrodt Chemical Works, of St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article 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 test laid down in the said pharmacopoeia, and its true standard of strength, quality, or purity was not stated on the container.

Misbranding was alleged in that the statement borne on the label, "Ether for Anesthesia," was false and misleading since the article contained other ingredients.

On April 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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