

peritrophic, and infectious arthritis, arthritis deformans, oosteoarthritis, lumbago, sciatica, bursitis, myositis, acute articular rheumatism, myalgia and allied rheumatoid conditions; to aid in the relief of the painful, distressing symptoms of quinsy, sore throat, pleuritic pains, neuralgias, and chest pains caused by colds; and its effectiveness as a treatment for ailments of the spinal column.

On May 3, 1938, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$100.

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

**28983. Adulteration and misbranding of Goody's Headache Powder. U. S. v. Goody's Inc., and A. Thad Lewallen. Pleas of nolo contendere. Fines, \$100. (F. & D. No. 40779. Sample No. 44240-C.)**

This product was adulterated because of a deficiency of acetanilid, and was misbranded because it was falsely represented as being absolutely safe and reliable and as containing no narcotic drugs.

On February 24, 1938, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Goody's, Inc., and A. Thad Lewallen, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about May 5, 1937, from the State of North Carolina into the State of South Carolina of a quantity of Goody's Headache Powder which was adulterated and misbranded. The article was labeled in part: "Prepared by Goody's Inc."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each of the powders was represented to contain 4 grains of acetanilid; whereas each of the powders contained less than the quantity represented, namely, not more than 3.13 grains of acetanilid.

The article was alleged to be misbranded in that the statements, "Goody's are absolutely safe and reliable and can be taken with complete assurance that they contain no \* \* \* narcotic drugs in any form," borne on the label, were false and misleading in that they represented that it was absolutely safe and reliable and contained no narcotic drugs in any form; whereas, it was not absolutely safe and reliable since it did contain narcotic drugs.

On May 4, 1938, pleas of nolo contendere were entered and the court imposed fines in the total amount of \$100.

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

**28984. Misbranding of Rozel Douche Powder. U. S. v. 4 Dozen Cans of Rozel Douche Powder. Default decree of condemnation and destruction. (F. & D. No. 42378. Sample No. 21508-D.)**

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

On May 12, 1938, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four dozen cans of Rozel Douche Powder at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 3, 1938, by Rozel Laboratories from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the cans contained a powder consisting essentially of boric acid, sodium chloride, ammonia, alum, and small amounts of phenol and menthol; and a cone consisting essentially of sodium bicarbonate and tartaric acid with small amounts of phenol and menthol. Bacteriological examination of the cone showed that it did not possess germicidal properties.

The article was alleged to be misbranded in that the following statements in a circular contained in the package which referred to the said cone, were false and misleading when applied to an article that possessed no germicidal properties: "Germicide \* \* \* The germicidal power in Rozel Effervescent Cones is indisputable. \* \* \* the antiseptic used in Rozel Effervescent Cones \* \* \* its germ killing action. The minute Rozel Effervescent Cones come in contact with the fluids of the vagina they deposit their germ killing deodorant ingredients into the folds pockets and convolutions of the tissue. This offers a continuous cleansing and germ killing action over a period of several hours." Misbranding was alleged further in that the following statements borne on the can label and appearing in the said circular, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Can

label) "For Inflammation \* \* \* For Feminine Hygiene \* \* \* For inflammations, \* \* \* leucorrhoea"; (circular) "Prophylactic \* \* \* A boon to marriage happiness. Rozel Effervescent Cones is a modern scientific liberator of marriage worries and anxieties. It aids in the happiness of both husband and wife during their marriage relationship. Rozel Effervescent Cones is your protection against all types of social diseases and your insurance of health and happiness. It is a reliable protection for the male when used by the female as a prophylactic. \* \* \* Rozel Effervescent Cones is recommended by physicians all over the country as the antiseptic used in Rozel Effervescent Cones has been used freely by gynecologists in their prescriptions for inflamed conditions of the vaginal tract for many years \* \* \* Rozel Effervescent Cones are harmless and can be used without the slightest fear as they are non-caustic and will do much to prevent the development of all too common feminine ailments \* \* \* A marvelous combination for Health and Happiness when Rozel Douche Powder is used in conjunction with Rozel Effervescent Cones. \* \* \* Good for inflammation, \* \* \* minor hemorrhages."

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

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

**28985. Misbranding of milk of magnesia. U. S. v. 120 Bottles and 108 Bottles of Milk of Magnesia. Default decrees of condemnation and destruction.** (F. & D. Nos. 42082, 42083. Sample Nos. 10405-D, 10409-D.)

This product was short of the declared volume.

On or about April 12, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 120 bottles of milk of magnesia at De Land, Fla., and 108 bottles of the product at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce, in part on or about February 24 and in part on or about March 12, 1938, by the Certified Pharmacal 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 statements "8 Fluid Ounces" and "6 Fluid Ounces," borne on the bottle labels, were false and misleading since the bottles did not contain the amount declared but did contain a less amount.

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

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

**28986. Misbranding of aspirin. U. S. v. 291 Packages of Aspirin. Default decree of condemnation and destruction.** (F. & D. No. 41818. Sample No. 9154-D.)

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

On February 24, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 291 packages [retail tins] of aspirin tablets in display cartons at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, by Penslar Co., Inc., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the display carton, were false and fraudulent: "Lumbago, Rheumatism, Sciatica, Toothache and Earache."

On May 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28987. Misbranding of Aimotone. U. S. v. Anastasios G. Fagras (Aimotone Chemical Co.). Pleas of guilty. Fines, \$150 and \$5.** (F. & D. Nos. 40749, 40755. Sample Nos. 34737-C, 41282-C.)

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

On February 15, 1938, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court two informations against Anastasios G. Fagras, trading as Aimotone Chemical