Bicarbonate, Juniper Berries, Poke Root," were false and misleading since the product did not consist entirely of the said ingredients but did consist of sodium bicarbonate and calcium carbonate with traces of sodium sulphite and formaldehyde.

On October 13, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

27917. Misbranding of Cozzins New Formula for Asthma. U. S. v. 121 and 140 Packages of Cozzins New Formula for Asthma. Default decree of condemnation and destruction. (F. & D. Nos. 40022, 40023. Sample Nos. 17679–C, 17680–C.)

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

On August 3, 1937, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 packages of Cozzins New Formula for Asthma at Mayaguez, P. R., and 140 packages at San Juan, P. R., alleging that the article had been shipped on or about May 15 and June 1, 1937, by the Cozzins Chemical Co. from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that it consisted essentially of powdered stramonium, potassium nitrate, and a small amount of anise oil.

The article was alleged to be misbranded in that the tin container, the carton, and the circular shipped with it bore false and fraudulent representations regarding its effectiveness in the treatment of asthma, hay fever, nasal catarrh, and catarrhal conditions of the mucous membrane, phthisis, and all spasmodic diseases of the respiratory system; and its effectivensss to promote free and easy expectoration, to relieve oppressive sense of suffocation, restore natural breathing, and to induce a comfortable feeling of calmness and repose.

On September 10, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27918. Adulteration and misbranding of Starks' Headache Powders. U. S. v. 146, 139, and 126 Packages of Starks' Headache Powders. Default decree of condemnation and destruction. (F. & D. Nos. 40027, 40028. Sample Nos. 35420–C, 48721–C, 48722–C.)

The labeling of this product contained false and fraudulent curative or therapeutic claims. It also indicated that the article when used as directed, was a safe and appropriate medicine for the treatment or relief of headache and neuralgia, whereas it was not but was a dangerous drug when so used; and it failed to bear a correct statement of the quantity or proportion of acetanilid contained in the article.

On or about August 2, 1937, the United States attorneys for the Western District of Missouri and the Eastern District of Missouri filed in their respective district courts libels praying seizure and condemnation of 285 packages of Starks' Headache Powders at Kansas City, Mo., and 126 packages of the product at St. Louis, Mo., alleging that the article had been shipped in interstate commerce by Starks & Co. from Midway, Ky., between the dates of February 8 and June 10, 1937, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained 7 grains of acetanilid per powder, or 263 grains per avoirdupois ounce.

It was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Contain 290 Grains Acetanilide U. S. P. per Ounce," since it contained much less than 290 grains of acetanilid per ounce.

It was alleged to be misbranded in that the statement, "Contain 290 Grains Acetanilide U. S. P. per Ounce, or 6 Grains in Each Powder," was false and misleading since it contained much less than 290 grains of acentanilid U. S. P. per ounce and more than 6 grains in each powder. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of acetanilid since the declaration made was incorrect. It was alleged to be misbranded further in that the statements, (container) "Headache powders * * * For headache and neuralgia * * * Directions.—Put a powder on tongue and take a swallow of water. Repeat in two hours if necessary. Take sparingly of food and drink. * * * Contains

no cocaine, chloral, or opiates," (circular) "Headache powders * * * For the relief of headache and neuralgia * * * Directions: Place a powder on the tongue and take a swallow of water. If needed, take another powder in two hours. Always take a powder as soon as you feel the first symptoms of headache or neuralgia. * * * 'Headache powders work like a charm with me; have been a great sufferer all my life.' * * * 'have entirely relieved me of the old sick headache which has troubled me for years,'" were false and misleading in that they would mislead the purchaser to believe that the article was a safe and appropriate medicine for the treatment or relief of headache and neuralgia, whereas it was a dangerous drug when used as directed; and in that said statements were false and fraudulent since they would mislead the purchaser to believe that the article was a safe and appropriate medicine for the disorders claimed for it; whereas it was not a safe and appropriate treatment but was a dangerous drug when used as directed.

On September 22 and September 28, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27919. Adulteration and misbranding of Sealtex. U. S. v. 9 Packages and 43 Packages of Sealtex. Default decree of condemnation and destruction. (F. & D. No. 40067. Sample Nos. 43438–C, 43439–C.)

This product was represented to be sterile; whereas it was not sterile but was contaminated with viable micro-organisms. Its label also bore false and fraudulent curative or therapeutic claims.

On August 12, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 50-cent packages and 43 25-cent packages of Sealtex at New Orleans, La., alleging that the article had been shipped on or about July 17, 1937, in interstate commerce by the Sealtex Corporation from Chicago, Ill.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, (carton, 25-cent size, and leaflet, both sizes), "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Sterilized," appearing in the labeling, was false and misleading. It was alleged to be misbranded further in that the following statement, borne on the carton of both sizes, regarding its curative or therapeutic effects, was false and fraudulent: "Sealtex Replaces Adhesive Tape and Moleskin For Cuts, * * * Burns."

On October 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27920. Misbranding of Zomogo Oil. U. S. v. 37 Bottles of Zomogo Oil (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40031, 40108, 40970. Sample Nos. 18803–C, 45801–C, 63023–C.)

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

On August 2, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 bottles of Zomogo Oil at West Plains, Mo. On August 13 and December 3, 1937, libels were filed against 31 bottles of Zomogo Oil at Harmony, Minn., and 31 bottles of the product at Keosauqua, Iowa. The libels alleged that the article had been shipped in interstate commerce by L. Zomogo Hood from Hot Springs, Ark., in various shipments on or about July 10, July 14, and October 16, 1937, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a mixture of oils, including petroleum oil, eucalyptus oil, mustard oil, clove oil, and cassia oil.

The libels alleged that the article was misbranded in that the statements on the bottle label, "Directions: Apply well over affected part. Read directions on circular carefully," and representations in a circular shipped with the article regarding its effectiveness in the treatment of tuberculosis of the lungs and spine, pellagra, asthma, rheumatism of all kinds, neuritis, sciatica, arthritis, influenza, lumbago, Bright's disease, dropsy, typhoid fever, smallpox, measles, chickenpox, eczema, rash, diabetes, deafness, earache, catarrh, headache, cancer,