

On May 17, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. H. Bull Medicine Co. Inc., St. Louis, Mo., and Harley E. Houts, alleging shipment by said defendants in violation of the Food and Drugs Act as amended on or about September 11, 1936, from the State of Missouri into the State of Oklahoma of a quantity of W. H. Bull's Quick Pile Relief which was misbranded. The article was labeled in part: "W. H. Bull Med. Co., St. Louis, Mo."

Analysis showed that the article consisted essentially of pine tar and small amounts of phenol and tannic acid incorporated in a base of petrolatum. Bacteriological tests showed that it was not antiseptic.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a quick pile relief, as a treatment, remedy, and cure for external piles, anal fissure, internal, protruding, itching, or bleeding piles, hemorrhoids, boils, carbuncles, cuts, burns, old sores, and foul ulcers; and as a healing agent wherever required. It was alleged to be misbranded further in that the statement "antiseptic," borne on the package and box, was false and misleading since it was not an antiseptic.

On July 13, 1937, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$200 and costs against the corporation and \$50 against Harley E. Houts.

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

**27547. Adulteration and misbranding of Rozel Effervescent Cones and misbranding of Rozel Douche Powder. U. S. v. 66 Bottles of Rozel Effervescent Cones, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 38924, 38925, 38926. Sample Nos. 29492-C, 29493-C.)**

The labeling of both of these products bore false and fraudulent representations regarding their curative or therapeutic effects, and that of the cones bore misrepresentations regarding their alleged germicidal properties.

On January 12, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 packages and 50 sample packages of Rozel Douche Powder and 66 bottles of Rozel Effervescent Cones at Tacoma, Wash., alleging that the articles had been shipped in interstate commerce on or about August 6, 1936, by Rozel Laboratories from Chicago, Ill., and charging that both were misbranded and that the Effervescent Cones were also adulterated in violation of the Food and Drugs Act as amended.

Analyses showed that the Effervescent Cones consisted essentially of tartaric acid, sodium bicarbonate, talc, starch, and a small proportion of a chlorine-liberating compound; and that the douche powder consisted essentially of boric acid, sodium chloride, and ammonium alum, with small proportions of phenol and menthol. Bacteriological tests of the Effervescent Cones showed that they were not germicidal.

The article labeled "Effervescent Cones" was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide," since it was not a germicide.

The article labeled "Effervescent Cones" was alleged to be misbranded in that the following statements appearing in the circular contained in the package were false and misleading since it was not a germicide and did not have the germicidal properties claimed for it: "Ideal Germicide \* \* \* The germicidal power in Rozel Effervescent Cones is indisputable, \* \* \* This gas contains a sperm destroying chemical that is \* \* \* dependable. \* \* \* 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."

Both products were alleged to be misbranded in that the following statements in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Effervescent Cones, bottle) "For Feminine Hygiene \* \* \* For Inflammation \* \* \* Insert one Rozel Vaginal Cone upon retiring. Follow with vaginal bath in the morning using Rozel Douche Powder for protective cleanliness"; (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"; (douche powder, regular size, metal container) "For Feminine Hygiene \* \* \* For Inflammation \* \* \* for inflammations, irritations, leucorrhoea \* \* \* and conditions in which an astringent wash is indicated"; (douche powder, sample size, envelope) "Feminine Hygiene \* \* \* For Inflammations, Itching, Leucorrhoea \* \* \* and minor hemorrhages \* \* \* In addition it has marked healing properties"; (circular accompanying shipment) "Negligence in the proper care of vaginal organs is the source of many women's ailments. To help avoid these depressing conditions—two scientific, harmless and non-irritating remedies for conditions affecting the vaginal tract have been perfected under the guidance of prominent specialists in female cases and diseases. These are the Rozel Effervescent Cones and Rozel Douche Powder; when used either together or separately a Boon to Feminine Hygiene \* \* \* always soothing and stimulating to the inner tissues \* \* \* For inflammation, irritation, itching, leucorrhoea, minor hemorrhages \* \* \* it destroys the mucous discharge \* \* \* In addition, it has marked healing properties \* \* \* and protective \* \* \* When Rozel Douche Powder is used following Rozel Effervescent Cones, it assures a double protective cleanliness and perfect sanitation."

On April 19 and June 1, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

**27548. Adulteration and misbranding of Cereal Lactic. U. S. v. 4 Cartons of Cereal Lactic (and two other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 39000, 39189, 39190. Sample Nos. 15120-C, 20131-C, 20132-C, 20133-C.)**

This product contained viable lactic-acid-producing bacteria in an amount far too low to be of any value when used according to directions and far below the number it was represented to contain. The labels also bore false and fraudulent curative and therapeutic claims.

On January 29 and March 8, 1937, the United States attorneys for the Northern District of Illinois and the District of Maine, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 4 cartons of Cereal Lactic at Winnetka, Ill., and 164 cans of Cereal Lactic at Portland, Maine, alleging that the article had been shipped in interstate commerce by the Cereal Lactic Co. from Woodward, Iowa, in part on or about January 2, 1937, and in part on or about January 9, 1937, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample taken from one of the shipments showed that it contained viable lactic-acid-producing bacteria not exceeding 370,000 per gram of dry material. Examination of samples from the remaining two lots showed 1,400,000 and 2,000,000, respectively, of viable lactic acid-producing bacteria per gram of dry material.

The article was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, "Bacterial count: 173 million aciduric organisms per gram of dry material."

The article was alleged to be misbranded in that the following statements on the label were false and misleading when applied to an article containing viable lactic-acid-producing bacteria not exceeding the amounts found in the samples: (One lot) "Bacterial count: 173 million aciduric organisms per gram of dry material"; (remaining lots) "Cereal Lactic A biological formula of lactic acid forming bacteria. Bacterial count: 173 million aciduric organisms per gram of dry material"; (booklet enclosed in shipping carton) "Bacterial Formula Cereal Lactic presents to the medical profession the most potent,