

On June 15, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Zemmer Co., a corporation, Pittsburgh, Pa., charging shipment by said corporation in violation of the Food and Drugs Act, on or about April 22, 1932, from the State of Pennsylvania into the State of Maryland of a quantity of Tablets Phenobarbital that were alleged to be adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1½ grains of phenobarbital; whereas in fact each of the tablets did contain less than 1½ grains of phenobarbital, to wit, not more than 1.279 grains.

The article was alleged to be misbranded in that the statement, "Tablets * * * Phenobarbital 1½ Grain", borne on the bottle label, was false and misleading in that it represented that each of the tablets contained 1½ grains of phenobarbital; whereas in fact each of the tablets contained less than 1½ grains of phenobarbital.

On November 25, 1935, after trial of the case to the court, a jury having been waived, judgment of not guilty was entered.

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

26803. Misbranding of Moxon's Liniment. U. S. v. 12, 8, and 5 Packages of Moxon's Liniment. Default decree of condemnation and destruction. (F. & D. no. 38149. Sample no. 6165-C.)

The labeling of this preparation bore false and fraudulent curative and therapeutic claims. It also was represented on some of the labels that the article could be used with perfect safety; whereas it contained ingredients which might be harmful.

On August 15, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 packages, 30-cent size; 8 packages, 60-cent size, and 5 packages, \$1-size, of Moxon's Liniment at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 27, 1936, by the Moxon Liniment Co., of Mount Clemens, Mich., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ammonia (not less than 7 percent), water, alcohol, camphor, and extracts of plant drugs.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Wrapper) "* * * For Rheumatism * * *"; (labels) "For Aches and Pains * * * For Rheumatic, Neuralgic, Spasmodic and Inflammatory Affections of the Muscles or Joints, * * * Lamé Back, Stiff Neck, * * * etc. * * * For Soreness of Cords and Muscles of the Throat, * * * all Inflammatory and Painful Swellings, * * * For Sore * * * Feet, * * * For Dandruff and Strengthening the Hair, * * * will * * * tone up the muscular system generally"; (on some labels) "* * * healing * * *"; (circular) "* * * Rheumatic affections of the Muscles or Joints, Muscular Spasms, * * * General Exhaustion * * * Etc., * * * Backache, Dandruff, Eruptions of the Skin, Stiff Neck, Lameness of Every Kind, and all Inflammatory Swellings. * * * Stiff Neck and Sore Throat Muscles * * * Rheumatic Muscular Soreness * * * for general exhaustion * * * your muscles will never become sore * * * Head Pains * * * Back-Ache * * * Bunions * * * will relieve the soreness immediately, Dandruff * * * Lameness of every kind, * * *." It was alleged to be misbranded further in that the statement "can be used with perfect safety", borne on the label, was false and misleading.

The libel charged that the product was also misbranded under the Federal Caustic Poison Act reported in notice of judgment no. 56 published under that act.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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