

chloride . . . . . 61 grs. Castor Oil each q. s. 1 fl. oz. \* \* \* The National Drug Co. Philadelphia, U. S. A."

The article was alleged to be misbranded in that the statement, "Carbon Tetrachloride 61 grs. \* \* \* each q.s. 1 fld. oz.", borne on the bottle label, was false and misleading since it represented that each fluid ounce of the article contained 61 grains of carbon tetrachloride; whereas each fluid ounce contained more than 61 grains, namely, not less than 109.5 grains of carbon tetrachloride.

On January 15, 1937, a plea of nolo contendere having been entered, the defendant was adjudged guilty and fined \$50 and costs.

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

**26823. Adulteration and misbranding of gauze pads. U. S. v. 600 Boxes of Gauze Pads. Default decree of condemnation and destruction. (F. & D. no. 38709. Sample nos. 17433-C, 17434-C.)**

The gauze pads in this interstate shipment were labeled with a false and misleading representation that they were sterile; and with a false and misleading misrepresentation as to the identity and address of the manufacturer of the article.

On November 25, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 boxes of gauze pads at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1936, by the Handy Pad Supply Co., from Worcester, Mass., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Examination of the pads showed that they were not sterile, but were contaminated with both aerobic and anaerobic bacteria.

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Sterilized."

Said article was alleged to be misbranded in that the statement "Sterilized", borne on the label, was false and misleading when applied to an article that was not sterile but was contaminated with both aerobic and anaerobic bacteria. Said article was alleged to be misbranded further in that the statement, "Guarantee Truss Co., 641 Amsterdam Ave., 3-5 E. 116th & 449 E. 149th Sts., New York, N. Y.", borne on the boxes, was false and misleading in that the name and address stated were not the name and address of the manufacturer of the article.

On December 5, 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.*

**26824. Misbranding of Gay. U. S. v. 120 Packages and 99 Packages of Gay. Default decrees of condemnation and destruction. (F. & D. nos. 38732, 38747. Sample nos. 15369-C, 27964-C.)**

The quantity or proportion of acetophenetidin, a derivative of acetanilid, contained in this article was not declared on the label; the package contained a statement that it contained no harmful drugs and that it could be used with utmost confidence, when it did contain a drug that might be harmful and could not be taken with the utmost confidence in the dose recommended; and the package and label bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On December 1 and 4, 1936, the United States attorneys for the District of New Jersey and the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 120 packages of Gay at Trenton, N. J., and 99 packages at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about October 3, 1936, by the F. H. Fowles Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of tablets containing acetylsalicylic acid (approximately 2.15 grains), acetophenetidin (approximately 1.73 grains), caffeine (0.25 grain), and plant material including viburnum.

The article was alleged to be misbranded in that the package failed to bear on the label a statement of the quantity or proportion of acetophenetidin, a derivative of acetanilid, contained therein; in that the statement in a leaflet contained in the package, "Gay contains no harmful drugs or narcotics—is not habit forming—may be used with utmost confidence. Dose: One or two tablets taken in water. Repeat in one hour if necessary", was false and misleading

since the article taken in the dose recommended contained a harmful drug which could not be used with the utmost confidence. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Wholesale carton) "Prompt Relief From Menstrual Pain For Relief From Menstrual Pain"; (retail tin) "For Prompt Relief of Menstrual Pain"; (leaflet) "A Specially Developed Formula Gay, perfected over a period of years, and subjected to thousands of tests, bears unqualified endorsement and recommendation for relief in the treatment of menstrual pain due to normal causes. Gay contains no harmful drugs or narcotics—is non-habit forming—may be used with utmost confidence. Dose: One or two tablets taken with water. Repeat in one hour if necessary. (Note: Gay is not intended to cure menstrual disorders of long standing. Where the case is extremely stubborn or irregular, see your physician.) \* \* \* is the modern way to relieve menstrual pain."

On December 31, 1936 and January 21, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**26825. Adulteration and misbranding of Bol Lecznik Liniment. Misbranding of Musterdone, Universal Kidney, Liver and Stomach Tea, Universal Stomach Drops, Universal White Pine Cough Balsam, and Masc Zywokostowa Ucco Salve. U. S. v. 44 Packages of Musterdone, and other libel proceedings. Default decrees of condemnation and destruction. (F. & D. nos. 38770 to 38775, incl. Sample nos. 6670-C to 6675-C, incl.)**

These drug preparations were misbranded because of false and fraudulent curative and therapeutic claims in the labeling. The Bol Lecznik Liniment was adulterated and misbranded further since it contained less chloroform and more alcohol than declared; no declaration of ether nor of chloroform was made on the bottle label, and the declaration on the carton was incorrect.

On December 11, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 packages of Musterdone, 48 packages of Universal Kidney, Liver and Stomach Tea, 30 bottles of Bol Lecznik Liniment, 30 packages of Universal Brand Stomach Drops, 68 packages of Universal Brand White Pine Cough Balsam, and 32 jars of Masc Zywokostowa Ucco Salve at New Orleans, La., alleging that the articles had been shipped in interstate commerce, on or about October 7 and October 13, 1936, by the Reliable Merchandise Co., from Chicago, Ill., and charging adulteration and misbranding of the Bol Lecznik Liniment, and misbranding of the remaining products in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that they consisted essentially of the following ingredients: (Musterdone) camphor, menthol, salicylic acid, wintergreen oil, and volatile mustard oil incorporated in petrolatum; (Universal Kidney, Liver and Stomach Tea) dried herbs and seeds including anise, lavender and senna; (Bol Lecznik Liniment) alcohol (60.8 percent), chloroform (4.6 minims per fluid ounce), ether, ammonia, capsicum, water, and volatile oils such as peppermint oil and mustard oil; (Universal Brand Stomach Drops) alcohol, water, glycerin, capsicum, a laxative plant drug, and peppermint oil; (Universal White Pine Cough Balsam) pine tar, salicylic acid, resinous material, alcohol, and water; and (Masc Zywokostowa Ucco Salve) menthol, camphor, eucalyptol, oil of wintergreen and salicylic acid incorporated in petrolatum.

The Bol Lecznik Liniment was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "alcohol 41% \* \* \* chloroform 72 M. to 1 oz.", since the article did not contain 41 percent of alcohol but contained a greater amount and it did not contain 72 minims of chloroform in 1 ounce but did contain less than 72 minims of chloroform per ounce.

Misbranding was alleged with respect to the Bol Lecznik Liniment in that the package failed to bear on the label a statement of the quantity or proportion of alcohol, of ether, an alcohol derivative, and of chloroform contained therein, since the declaration of alcohol borne on the carton and label was incorrect, no declaration of ether nor of chloroform was made on the label, and the declaration of chloroform made on the carton was incorrect.

Misbranding was alleged with respect to all products for the reason that the following statements borne on the labeling, regarding the curative or