

significant proportion, if any, of viable *Lactobacillus acidophilus* bacilli, and no kelp nor dextrin.

Adulteration of the article was charged under the allegation that its strength and purity fell below the professed standard under which it was sold, in that the article contained no significant proportion, if any, of viable *L. acidophilus* bacilli, and no dextrin or cerea (kelp) and no other valuable food ingredients, but contained phenolphthalein, a coal-tar laxative, and was in a moldy condition.

Misbranding was charged (a) under the allegation that the package bore the statement "B Acidophilus Compound A * * * blend of * * * psyllium, psylla, Japanese Agagar, Lactose, Dextrine, Cerea, (Kelp which contains vitamins A, B, D, E, F and G, and 16 chemicals, 32 organic minerals that the body is composed of), and other valuable food ingredients", and that the statement was false and misleading in view of the actual composition of the article; (b) under the allegation that the package bore the following statements regarding the curative and therapeutic effects of the article and that the statements were false and fraudulent: "Not a Purgative—Not a Cathartic Not a Physic * * * To remove excessive infective Organisms from the large intestines. * * * To prevent toxic absorption. * * * To change the Intestinal Flora. * * * To introduce Living B. Acidophilus into the large intestines to prevent the growth of the infective types. * * * To re-mineralize the body and furnish that unbroken chain of vitamins, which is so necessary to perfect health."

On April 16, 1936, no claimant having appeared, a default decree of condemnation and destruction was entered.

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

26160. Misbranding of rubbing alcohol. U. S. v. 684 Bottles of Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37137. Sample no. 57007-B.)

This case involved an interstate shipment of rubbing alcohol, which was misbranded as to the nature and proportion of alcohol contained therein.

On January 31, 1936, 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 684 bottles of rubbing alcohol at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 13, 1935, by the Marshall Laboratories, Inc., Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements on the label, "Rubbing Alcohol Compound" and "Alcohol 70 Proof (IP)", were false and misleading, since the article did not contain any ordinary (ethyl) alcohol, but consisted essentially of a mixture of isopropyl alcohol and water. The article was alleged to be misbranded further in that the quantity or proportion of isopropyl alcohol contained therein was not stated on the label, since the expression "(IP)", following the statement "Alcohol 70 Proof" on the label, was meaningless.

On March 7, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

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

26161. Misbranding of Kopp's. U. S. v. 281 Bottles of Kopp's. Default decree of condemnation and destruction. (F. & D. no. 37140. Sample nos. 39992-B, 39993-B.)

This case involved a shipment of Kopp's the label and package of which bore and contained recommendations and directions for its administration to infants and young children, when by reason of the presence therein of morphine it was not safe for administration to infants or young children; and false and fraudulent statements as to its curative or therapeutic effect.

On January 31, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 281 bottles of Kopp's at Baltimore, Md., alleging that the article had been transported in interstate commerce on or about July 8 and November 1, 1935, by C. Robert Kopp, from York, Pa., and that it was misbranded in violation of the Food and Drugs Act.

Analysis showed that the article consisted essentially of morphine sulphate ($\frac{1}{8}$ grain per fluid ounce), flavoring oils including anise oil, alcohol, glycerin, sugar, and water, colored red.

The article was alleged to be misbranded in that directions on the bottle labels and in an accompanying circular, and a picture of a baby, together with a statement in said circular, were false and misleading in that they represented that the article was a safe and appropriate remedy for infants and young children, when in fact it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of the article. The article was alleged to be misbranded further in that said directions on the label and in the circular and said picture and statement in the circular were statements, designs, and devices regarding the curative or therapeutic effect of the article, and falsely and fraudulently represented that the article was capable of producing the effects claimed.

On March 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

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

26162. Misbranding of "Modern Treatment for Nasal Irritations and Congestion." U. S. v. 240, and 89, and 263 articles labeled "Modern Treatment for Nasal Irritations and Congestion." Default decree of condemnation and destruction. (F. & D. nos. 37142, 37348, 37386. Sample nos. 54697-B, 60646-B, 64376-B.)

These cases involved interstate shipments of outfits described as "Modern Treatment for Nasal Irritations and Congestion", each outfit consisting of a drug, labeled "Synex", and an apparatus, labeled "Syn-O-Scope", for applying Synex. The proportion of alcohol contained in Synex was misrepresented on the label, and an accompanying circular contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

Analysis of the Synex showed that it consisted essentially of eucalyptus oil, camphor, menthol, and alcohol.

On February 4, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed a libel praying seizure and condemnation of 240 outfits labeled "Modern Treatment for Nasal Irritations and Congestion", consisting each of 240 bottles of the drug Synex and as many specimens of the apparatus Syn-O-Scope, at Salt Lake City, Utah; on March 13, 1936, the United States attorney for the Northern District of Georgia similarly filed a libel praying seizure and condemnation of 89 such outfits at Atlanta, Ga.; and on March 24, 1936, the United States attorney for the Western District of New York similarly filed a libel praying seizure and condemnation of 263 such outfits at Buffalo, N. Y. It was alleged that the articles had been shipped in interstate commerce by the Syn-O-Scope Laboratories, from Chicago, Ill., on or about January 9 and 18, and December 23, 1935, and that they were misbranded in violation of the Food and Drugs Act as amended.

In the two libels first mentioned it was alleged that the Synex was misbranded in that the statement on the label of the bottles, "Synex Alcoholic Content 20%", was false and misleading. In all three of the libels it was alleged that the Synex was misbranded in that statements regarding its curative or therapeutic effects, contained in an accompanying circular, falsely and fraudulently represented that it was effective in the treatment of sinus trouble, catarrh, hay fever, and other irritations and congested conditions of the head passages.

On March 14, April 22 and 25, 1936, no claimant having appeared in any of the three cases, judgment of condemnation was entered in each case and it was ordered that the Synex and the Syn-O-Scopes be destroyed.

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

26163. Misbranding of rubbing alcohol compound and rubbing alcohol. U. S. v. 27 Dozen Bottles of Rubbing Alcohol Compound and Rubbing Alcohol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37147. Sample nos. 65526-B, 65527-B.)

These products contained isopropyl alcohol and were labeled to create the erroneous impression that they contained ethyl alcohol. The labels were further objectionable because they failed to bear a proper declaration of the quantity of isopropyl alcohol contained in the articles.

On February 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 dozen bottles of rubbing alcohol compound and rubbing alcohol at Fall River, Mass., alleging that the articles had been shipped in interstate commerce on or about November 22, 1935, by the Vale Co., from New York, N. Y., into the State of