25421. Misbranding of Pneumo-Nox. U. S. v. 108 Jars of Pneumo-Nox. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36898. Sample no. 48825-B.)

Unwarranted curative and therapeutic claims were made for this article.

On December 30, 1935, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 jars of Pneumo-Nox at Marion, S. C., alleging that the article had been shipped in interstate commerce on or about January 8, 1935, by the Willard Products Co., from Greenville, N. C., into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Pneumo-Nox * * * Prepared by Willard Products Company, Greenville, N. C."

Analysis showed that the article consisted essentially of volatile oils (6.6 grams per 100 milliliters), including menthol and eucalyptol, incorporated in petrolatum.

The article was alleged to be misbranded in that the following statements appearing upon the packages were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Jars) "Pneumo-Nox All Purpose Salve Is Especially Recommended For The Local Treatment Of * * * Chest Colds, Irritation of The * * * Lungs. * * * For Chest Colds wring a towel out in hot water and place on chest. This opens the pores to allow Pneumo-Nox to penetrate deeply. Remove towel and thoroughly rub in a liberal amount of Pneumo-Nox. Place another application of Pneumo-Nox on the chest and cover with hot flannel cloth. This will cause salve to vaporize and enter nasal passages, chest and lungs, carrying its healing qualities to the seat of irritation and congestion. * * * For Sore Throat massage thoroughly with Pneumo-Nox and bind with flannel cloth. Place a small amount of salve on the tongue and swallow. If irritation is deep rub in Pneumo-Nox on chest. For Croup * * * breathe the healing vapors. As an All Purpose Salve * * * for * * * cuts * * * stiff joints, sore * * * feet, * * * sores, etc."

On January 27, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

25422. Adulteration and misbranding of Hospital Brand Rubbing Alcohol. U. S. v. 574 Bottles of Hospital Brand Rubbing Alcohol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37071. Sample no. 50711-B.)

This article failed to conform to its professed standard and its label bore a false representation regarding its composition and was without a statement of the quantity or proportion of alcohol in the article.

On January 16, 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 a quantity of Hospital Brand Rubbing Alcohol at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 2, 1935, by the Reo Chemical Co., from Newark, N. J., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Hospital Brand Rubbing Alcohol 70 proof Isopropyl Alcohol—Uses:—* * * As a sponge in case of fever. As a household antiseptic on cuts, bruises, insect bites, etc. * * * Meeker Pharmacal Co., Newark, N. J."

Adulteration of the article was charged under the allegation that its strength and purity fell below the professed standard under which it was sold, namely, "Rubbing Alcohol", and the article did not contain ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water.

Misbranding was charged (a) under the allegation that the statement on the label, to wit, "Rubbing Alcohol", was false and misleading in that the article did not consist of ordinary (ethyl) alcohol but was a mixture of isopropyl alcohol and water; (b) under the allegation that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained in the article in that the expression "70 proof Isopropyl Alcohol" was meaningless.

On February 17, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*