

**25111. Adulteration and misbranding of nitrous oxide. U. S. v. 6 Cylinders of Nitrous Oxide. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35703. Sample no. 35180-B.)**

This action involved an article that had been sold under the name "nitrous oxide" and differed from the standard of nitrous oxide as stated in the United States Pharmacopoeia, and was shipped in cylinders bearing a statement concerning their contents that was incorrect.

On July 1, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cylinders of alleged nitrous oxide at Cincinnati, Ohio, alleging that the article had been shipped, on or about March 30, 1935, by Wall Chemicals, Inc., Detroit, Mich., from that city to Cincinnati, Ohio., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, "Nitrous Oxide."

Analysis showed that the article differed from the pharmacopoeial standard in that it contained 17.5 percent of gases uncondensed at the temperature of liquid air.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was charged on the ground that the statement on the label, "Nitrous Oxide", was false and misleading.

On September 3, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

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

**25112. Misbranding of Dr. Ehrlich's Nerve Tonic and Sedative, Dr. Ehrlich's Tonic and Blood Purifier, and Dr. Ehrlich's Kidney and Bladder Medicine. U. S. v. 33 Bottles of Dr. Ehrlich's Nerve Tonic, and other proprietary medicines. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 35734, 35735, 35736. Sample nos. 23254-B, 23255-B, 23256-B.)**

The bottle labels of these three products bore unwarranted statements regarding their curative or therapeutic effects, and the same labels of two of them bore incorrect statements concerning the sources of their ingredients.

On or about July 5, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of quantities of the articles of drugs named in the caption hereof at Cedar Rapids, Iowa, alleging that they had been shipped on February 15, 1935, by the K. W. Drug Co., from Cleveland, Ohio, to Cedar Rapids, Iowa, and charging misbranding in violation of the Food and Drugs Act. The several articles were labeled in part: "Dr. Ehrlich's Laboratory Cleveland, Ohio."

Analyses showed that the nerve tonic and sedative consisted essentially of phenobarbital (0.4 gram per 100 milliliters), sodium and ammonium bromides (3.6 grams per 100 milliliters), and water; that the tonic and blood purifier consisted essentially of methenamine, an iron compound, potassium iodide, extracts of plant drugs, sugar, and water; and that the kidney and bladder medicine consisted essentially of methenamine (0.36 gram per 100 milliliters), extracts of laxative plant drugs, a small proportion of an iron compound, and water.

It was charged that Dr. Ehrlich's Nerve Tonic and Sedative was misbranded (a) in that the following statements on its bottle labels were false and fraudulent: "Dr. Ehrlich's Nerve Tonic and Sedative contains no habit-forming drugs and may be safely given to old and young. \* \* \* 'Restore and strengthen the entire nervous system, soothe the nerves, and induce healthy, invigorating rest and sleep.' 'Tone the stomach muscles, creating vigorous appetite and proper digestion.' 'Remove that feeling of tiredness and listlessness, and instill new vim and vigor'"; and (b) in that the following statements borne on the bottle labels were false and misleading: "Contains herbs and drugs of the highest purity \* \* \* Dr. Ehrlich's Nerve Tonic and Sedative contains no habit-forming drugs and may be safely given to old and young."

It was charged that Dr. Ehrlich's Tonic and Blood Purifier was misbranded (a) in that the following statements on the bottle labels were false and fraudulent: "A highly specialized preparation containing in addition to tonic and blood purifying herbs and roots, the most effective drugs known to medical

science, as follows: 'It is in a class of its own as a powerful Blood, Nerve and System Tonic and Blood Purifier.' 'It has a distinct action upon the bowels, kidneys and bladder.' 'It relieves Rheumatism, Neuritis and Back-aches. It creates Appetite and Aids Digestion'"; and (b) in that the following statements borne on the bottle labels were false and misleading, "A highly specialized preparation containing in addition to tonic and blood purifying herbs and roots, the most effective drugs known to medical science", since the essential physiologically active ingredients of the article were derived from sources other than herbs and roots.

It was charged that Dr. Ehrlich's Kidney and Bladder Medicine was misbranded in that the following statements on the bottle labels were false and fraudulent: "A highly specialized medicinal product, prepared with the utmost care and precision. Contains herbs and drugs of the highest purity, that will 'Purify, increase and regulate the flow of urine.' 'Strengthen the weakened muscles. Help eliminate the body poisons and thereby restore the kidneys and bladder, these two most important organs to their proper functions, and so bring back bodily health.'"

On September 24, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

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

**25113. Misbranding of Dr. Hubbel's Formula. U. S. v. 95 Bottles of Dr. Hubbel's Formula. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35741. Sample no. 30146-B.)**

Examination of this product showed that the statement on the bottle label of the quantity of choral hydrate and alcohol was incorrect, and that the article contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed on the carton and in a circular within the package.

On July 10, 1935, the United States attorney for the Northern 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 95 bottles of Dr. Hubbel's Formula at Albany, N. Y., alleging that the article had been shipped, on or about April 11, 1934, by Hubbel's Products Corporation, from Boston, Mass., to Albany, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Chloral Hydrate 8 grs. to Fluid Oz. Alcohol 60%."

Analysis of a sample thereof showed that the article consisted essentially of alcohol (67 percent), chloral hydrate (13.3 grains per fluid ounce), water, and small proportions of phenols including creosote, sulphuric acid, and volatile oils including menthol and a green coloring material.

It was alleged in the libel that the article was misbranded (a) in that the statement on the bottle label, "Chloral Hydrate 8 grs. to Fluid Oz. Alcohol 60%", was false and misleading; and (b) in that the package failed to bear on its label a statement of the quantity or proportion of alcohol or chloral hydrate contained therein, in that no declaration regarding these ingredients appeared upon the carton, and the statements upon the bottle label, "Chloral Hydrate 8 grs. to Fluid Oz. Alcohol 60%", were incorrect and inconspicuous. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Display carton) "For Loose Teeth For Toothache For Sore and Bleeding Gums \* \* \* keeps your gums healthy"; (circular within carton) "Sore and chafed mouths . . . bleeding gums . . . gingivitis . . . and other infections of the gums and teeth are the inevitable result of the lack of proper care. In cases where an infection has located itself, either as an aggravated condition or simply in the early stages, Dr. Hubbel's Formula corrects the condition by strengthening the unhealthy or sensitive gums and causes a hardening or toughening of the gum tissues. Used as directed, it prevents the formation of spongy tissues and keeps the mouth generally in a more healthy condition. Dr. Hubbel's Formula is used by dentists in treating the most advanced stages of gum disorders and is prescribed by them for home treatment. It may be used freely without the slightest danger of injuring the most sensitive mouth. It's regular application will keep the gums in a normal healthy condition. \* \* \* In some cases the gums peel slightly after the first application. Do not be concerned as this is only the old dead tissue. The second and subsequent applications will be perfectly normal. \* \* \* Be regular in the use of Dr. Hubbel's Formula, as applying only now and then