

24092. Misbranding of WTC Anti-Pollen Salve. U. S. v. 34 Dozen Jars of WTC Anti-Pollen Salve. Default decree of destruction. (F. & D. no. 33577. Sample no. 3351-B.)

This case involved an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling. The article was labeled to convey the impression that it contained ingredients that would resist pollen, whereas its only action against pollen would be mechanical in coating the nasal passages with grease.

On September 28, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 dozen jars of WTC Anti-Pollen Salve at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 23, 1934, by the Corn Chemical Co., from Cleveland, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of aluminum chloride (2.1 percent) incorporated in a mixture of petrolatum and wool fat.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: (Jar label and circular) "Anti-Pollen Salve"; (carton label) "Anti-Pollen Salve 'Resistant to 95 out of every 100 kinds of pollen.'" Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Jar label) "For Hay Fever"; (carton label) "For Hay Fever Immediate relief for Hay Fever * * * For Hay Fever"; (circular) "WTC Anti-Pollen Salve gives quick, positive and lasting relief to practically all kinds of Hay Fever sufferers. * * * If you do not obtain positive relief within eight hours after applying salve it will Never help you and should be returned to druggist at once. This guarantee is made For One Day Only, because of the cost involved and because a longer period of testing is unnecessary. * * * After this first treatment the nose becomes immunized and less sensitive."

On November 27, 1934, no claimant having appeared, a decree was entered adjudging the product to be misbranded and ordering that it be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

24093. Misbranding of Dr. Clifton's Brazolian Herbs, Brazolian Herb Tablets, and Brazolian Oil. U. S. v. 21 Boxes of Dr. Clifton's Brazolian Herbs, et al. Default decree of condemnation and destruction. (F. & D. nos. 33593, 33594, 33595. Sample nos. 16613-B, 16614-B, 16615-B.)

This case involved drug preparations, the labeling of which contained unwarranted curative and therapeutic claims.

On October 2, 1934, 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 21 boxes of Brazolian Herbs, 22 boxes of Brazolian Herb Tablets, and 21 bottles of Brazolian Oil at Newburgh, N. Y., alleging that the articles had been shipped in interstate commerce, on or about April 9 and April 14, 1934, by J. F. Stras, from La Crosse, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Dr. Clifton's Brazolian Herbs [or "Herb Tablets" or "Oil"] * * * Prepared by the Clifton Drug Company, Girard, Illinois."

Analyses showed that the Brazolian Herbs consisted of powdered plant drugs including aloe and other laxative drugs and salicylic acid; that the Brazolian Herb Tablets contained powdered plant drugs including aloe and other laxative drugs; and that the Brazolian Oil consisted essentially of capsicum, oleoresin, nitrobenzene, and gasoline.

The articles were alleged to be misbranded in that the following statements appearing in the labeling, were statements regarding the curative or therapeutic effects of the articles and were false and fraudulent: (Brazolian Herbs, carton) "Acts on The Stomach, Kidneys and Bowels"; (box label) "Acts on the Stomach Kidneys and Bowels"; (circular) "Used For Diseases Of The Stomach and Kidneys * * * Modern civilization is undermining the vigor of the human race. * * * Dyspepsia is becoming more common among the American people. * * * Dr. Clifton's Herbs * * * they are good for Dyspepsia. * * * They are useful as a kidney medicine. The kidneys are the organs which when in a healthy condition strain out the poisons of the body. Keep your kidneys active and it will be of assistance in keeping the body