

claims; the designs and directions indicated that it could be safely used for babies, whereas its morphine content rendered it unsafe for such use; the declarations of alcohol and morphine were inconspicuous, and in the case of the morphine was incorrect.

On June 4, 1934, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bottles of Sirop D'Anis Gauvin Compound at Dover, N. H., alleging that the article had been shipped in interstate commerce, on or about July 11, 1933, by J. A. E. Gauvin, from Lowell, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of morphine acetate (0.216 grain per fluid ounce), alcohol, sugar, and water flavored with anise oil (less than 0.1 percent).

The libel charged that the article was misbranded in that the following statements in the labeling were false and misleading, (Bottle and wrapper) "Sirop D'Anis Gauvin Compound" and "Sirop D'Anis Gauvin Compose"; (circular) "Sirop d'Anis Gauvin Compound", "Gauvin's Aniseed Syrup"; (wholesale carton) "Sirop D'Anis Gauvin Compound"; in that the background design of babies' heads, appearing on the wrapper label, was false and misleading, since it created the impression that the product could be safely used for babies, whereas it could not; in that the wrapper label failed to bear a statement of the quantity or proportion of alcohol and morphine contained in the article, since the declaration made was inconspicuous and, with respect to morphine, was incorrect, $\frac{1}{4}$ grain of morphine acetate being declared, whereas the product contained 0.216 grain; and in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Bottle, wrapper, and circular) "Sirop D'Anis Gauvin Compound * * * Recommended by the Maker and many who have used it as giving relief in cases of restlessness by alleviating the accompanying pains. It thus induces a soothing effect and restfulness"; (bottle and circular) "Directions To an infant under one month old, 10 to 15 drops; every month more, 5 to 8 drops more. One year old, 1 to 2 teaspoonfuls."

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23253. Adulteration and misbranding of Moone's Emerald Oil. U. S. v. 164 Bottles, et al., of Moone's Emerald Oil. Default decrees of condemnation and destruction. (F. & D. nos. 32812, 32813, 32858, 33259. Sample nos. 68120-A to 68123-A, incl., 6435-B, 6436-B.)

These cases involved shipments of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims. Tests of the article showed that it did not possess the germicidal properties claimed.

On June 5, June 13, and August 17, 1934, the United States attorneys for the Western District of Pennsylvania and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 515 bottles of Moone's Emerald Oil, in part at Pittsburgh, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce between the dates of October 19, 1933, and July 18, 1934, by the International Laboratories, Inc., from Rochester, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

A sample of the product analyzed by this Department was found to consist essentially of volatile oils, including camphor oil and small proportions of methyl salicylate and phenol, colored green. Bacteriological examination showed that it was incapable of killing a culture of *Staphylococcus aureus* within an hour at body temperature.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide."

Misbranding was alleged for the reason that the statement "Germicide", borne on the label, was false and misleading. Misbranding was alleged for the further reason that the labeling contained false and fraudulent representations regarding its effectiveness to promote healthful healing, as a surgical assistant in the more serious conditions, as a relief from discomfort, as a comforting analgesic in stubborn irritated conditions attended by profuse suppuration, as a treatment for objectionable discharge and other objectionable

symptoms, simple irritation, acne, pimples, soft corns and bunions, toe itch, varicose and swollen veins, varicose ulcers when due to enlarged veins, dandruff, scaly irritation of the scalp, effective as an antiseptic and deodorant in chronic disease, and as a relief in incurable disease, as a treatment for wrenched muscles, ligaments or tendons; effective as a nasal or throat spray in the treatment of catarrhal conditions; and as effective to promote the formation of new and healthy skin.

On September 12 and September 28, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

23254. Misbranding of Adgene. U. S. v. 36 Packages and 24 Packages of Adgene. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32833. Sample nos. 67571-A, 67572-A.)

This case involved a product that was labeled with false and misleading claims regarding its constituents and food value, and false and fraudulent claims regarding its alleged therapeutic properties.

On June 7, 1934, the United States attorney for the Eastern 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 36 large packages and 24 small packages of Adgene at Jamaica, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6, 1934, by Adgene, Inc., from Paterson, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of barley malt, sugar, cocoa, and 5.3 percent of ash, including calcium and phosphorous compounds.

The libel alleged that the article was misbranded under the provisions of the law applicable to food, in that the following statements in the labeling were false and misleading: (Metal container) "Adgene is a * * * perfectly balanced, concentrated food beverage constituting complete nourishment in itself. * * * Adgene forms a creamy drink and a veritable meal of energy in each cup or glass. * * * A Concentrated Food Beverage"; (circular) "A Concentrated Food Beverage Now that you have bought Adgene you will discover the wonderful results that modern science and skill bring to you in a concentrated food beverage. * * * A proper diet contains suitable quantities of carbohydrates, fats, proteins, mineral salts and the essential vitamins. The body is constantly in need of these elements. When any one of them is missing from the diet, sickness in some form invariably results. The average American diet, however, as almost all medical authorities agree, is usually deficient in one or more of these properties. Adgene is a properly balanced food. * * * Barley is used as a modifier of fresh cow's milk. When meeting the gastric juice, cow's milk has a tendency to form a large tough casein curd. Barley breaks up this curd into a flaky mass. * * * All food beverages are mixed or taken with milk but, so far as we know, only Adgene contains barley. * * * Another important element of Adgene is calcium. Authorities agree that a deficiency of calcium is more frequent in the daily diet than any other single element. * * * is ideal for infants * * * a complete nourishing food. * * * supplies the very elements not consumed in sufficient quantity with the regular food. * * * Because of the complete nourishment it affords * * * constitutes an exceptionally beneficial food for people of advanced years. * * * balanced to constitute an actually complete nourishing food. * * * a creamy drink."

The libel further alleged that the article was misbranded under the provisions of the law applicable to drugs, in that the labeling contained false and fraudulent claims relative to its efficacy in fattening to normalcy, causing complete assimilation of food; as an aid to undernourished, run-down, fatigued, appetite-lacking, and nerve-tensed constitutions; in building vitality, resistibility, producing sound sleep, avoiding undue accumulation of fat; for the body, nerves, and brain of children and adults; in building up new tissues and repairing worn out body cells; achieving beneficial results within a very short space of time; bone building and growth-promoting functions in children; proper growth of the teeth; strengthening bones and teeth in pregnancy; promoting and improving the mother's milk, building and strengthening invalid and, rundown conditions; in mental and physical fatigue, exhaustion, weak and nervous stomachs; in relieving headache, restoring the nerve energies; building bodily strength, vitality and energy of nerve substance and brain matter,