

Analysis of a sample of the article by this Department showed that it consisted essentially of a lime water solution of wood creosote plus glycerin.

It was alleged in the libel that the article was misbranded in that the label and circular contained false and fraudulent representations that it was effective in the prevention and treatment of coughs, influenza, bronchitis, pneumonia, tuberculosis, typhoid fever, scarlet fever, measles, debilitating diseases, lung diseases, pyorrhea, spongy and bleeding gums and effective in feeding and stimulating the phagocytes and effective as a tonic. Misbranding was alleged for the further reason that the statement on the label, "Guaranteed to comply with \* \* \* National \* \* \* Pure Food & Drug Regulations", was misleading, since it created the impression that the article had been examined and approved by the Government, and that the Government guaranteed that it complied with the law, whereas it had not been so examined and approved.

On June 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**22970. Misbranding of Magnesia Oxoids. U. S. v. 71 Packages and 20 Packages of Magnesia Oxoids. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32585. 32586. Sample nos. 67543-A, 67684-A.)**

These cases involved shipments of a drug preparation, the labels of which bore unwarranted curative and therapeutic claims. It also was claimed for the article that it was safe to take in any quantity, that it contained nothing injurious, and would produce no harmful reaction, whereas it contained ingredients that might be harmful.

On April 23, 1934, the United States attorneys for the District of New Jersey and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 71 packages of Magnesia Oxoids at Newark, N. J., and 20 packages of Magnesia Oxoids at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, in part on or about February 24, 1934, and in part on or about March 29, 1934, by the Eton Products, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of magnesium oxide (2.2 grains per tablet), magnesium peroxide (1.5 grains per tablet), and starch.

The article was alleged to be misbranded in that the following statements in the circular were false and misleading: "Safe to take in any quantity \* \* \* You can take Magnesia Oxoids as often as you feel necessity, or in any quantity you desire, for they contain nothing injurious, and produce no harmful reaction. They are wholly good, and good for you \* \* \* Magnesia Oxoids may be safely given to children." Misbranding was alleged for the further reason that certain statements regarding the curative or therapeutic effects of the article, borne on the carton and label and in the circular, falsely and fraudulently represented that it was effective as an aid to digestion; effective in distress due to excessive formation of gas; effective in the treatment of stomach acidity; effective in the following conditions attributable to acidity: Loss of strength, vitality, and resistance to disease, acid dyspepsia, heartburn, flatulence, gassy fullness in the stomach and intestines, painful pressure around the heart, nausea, intermittent vomiting, three o'clock headaches, nervousness, sleeplessness, bad breath, tooth and gum troubles, fermentation and putrefaction in the gastro-intestinal canal; and effective after overindulgence in eating, drinking, or smoking.

On June 30 and July 5, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered that the product be destroyed.

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

**22971. Misbranding of Seven Barks. U. S. v. 67 Packages of Seven Barks. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32588. Sample no. 65254-A.)**

Examination of the drug preparation Seven Barks showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that the article contained less alcohol than declared.