

22590. Misbranding of Dr. Sayman's Healing Salve. U. S. v. 174 Jars of Dr. Sayman's Healing Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31284. Sample no. 17985-A.)

Examination of the drug product in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 28, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 jars of Dr. Sayman's Healing Salve at Beaumont, Tex., alleging that the article had been shipped in interstate commerce, on or about September 6, 1933, by the T. M. Sayman Products Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid (3.8 percent), zinc oxide (8.5 percent), and camphor (5.0 percent), incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the labeling bore false and fraudulent claims relative to its effectiveness in the treatment of catarrh, old sores, sore hands, face, and lips, pimples, boils, felons, itching humors, eczema, tetter, salt rheum, ringworm, sore feet, protruding, blind, bleeding, and itching piles, hemorrhoids, bunions, skin diseases, scalp diseases, acne, scald head in children, dandruff, skin blemishes, rash, pustules, erythema, scrofulous, indolent, chronic old sores, scaling, and crustings, inflammation, wounds, lameness, swollen contracted cords, stiff joints, lacerations, pricks from rusty nails, caked breast, frosted feet, swellings, sore nipples, sore throat, hay fever, ulceration of the nasal passages, throat, lungs, and stomach, sores of any kind, and eczema.

On March 22, 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.*

22591. Adulteration and misbranding of C. C. Tonic and misbranding of C. C. Special. U. S. v. Supto Manufacturing Co. Plea of guilty. Fine, \$80 and costs. (F. & D. no. 31321. Sample nos. 35842-A, 35843-A.)

This case was based on interstate shipments of drug preparations labeled with false and fraudulent curative and therapeutic claims. It was also claimed for one of the products, C. C. Tonic for Baby Chicks, that it contained cod-liver oil and would raise more chicks; whereas it contained no cod liver and would not raise more chicks. Both products contained undeclared alcohol.

On March 7, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Supto Manufacturing Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Iowa into the State of Missouri, on or about January 26, 1933, of a quantity of C. C. Special which was misbranded, and on or about February 27, 1933, of a quantity of C. C. Tonic which was adulterated and misbranded.

Analyses of samples of the article by this Department showed that the C. C. Tonic consisted essentially of small proportions of magnesium sulphate, extracts of plant drugs including catechu, a lactate, sodium benzoate and alcohol (1.5 percent by volume), and water approximately 97 percent (cod-liver oil was not present); and that the C. C. Special consisted essentially of small proportions of magnesium sulphate, extracts of plant drugs including catechu, a lactate, alcohol (1.7 percent) by volume, and water (approximately 97 percent), colored with a red dye.

It was alleged in the information that the C. C. Tonic was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to contain cod-liver oil, whereas it contained no cod-liver oil.

Misbranding of the C. C. Tonic was alleged for the reason that the statements, "C. C. Tonic raises more chicks" and "Ingredients * * * cod liver oil", borne on the bottle label, were false and misleading, since the article contained no cod-liver oil and would not produce more chicks. Misbranding of both products was alleged for the reason that certain statements, designs, and devices, regarding the therapeutic and curative effects of the articles falsely and fraudulently represented that the C. C. Tonic would be effective

as a tonic for baby chicks; effective as a preventive for all bowel troubles; effective to help maintain health and vigor in adult birds; effective as a treatment of birds out of condition; and effective as a treatment for disease; and that the C. C. Special was effective when used alone or in connection with C. C. Tonic, as a worm preventive and as a treatment for infested birds. Misbranding of both products was alleged for the further reason that they contained alcohol and the label on the package failed to bear a statement of the quantity and proportion of alcohol contained therein.

On May 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$80 and costs.

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

22592. Adulteration of chloroform liniment. U. S. v. Blumauer-Frank Drug Co. Plea of guilty. Fine, \$200. (F. & D. no. 31325. Sample no. 30787-A.)

This case was based on an interstate shipment of chloroform liniment sold under a name recognized in the United States Pharmacopoeia, which failed to conform to the requirements of the said pharmacopoeia.

On May 2, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Blumauer-Frank Drug Co., a corporation, Portland, Ore., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 1, 1932, from the State of Oregon into the State of Washington, of a quantity of chloroform liniment that was adulterated and misbranded. The article was labeled in part: "B. F. C. Co. * * * Chloroform Liniment Contains 67% Alcohol * * * Blumauer-Frank Drug Co., Portland, Oregon."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it contained in each 1,000 cc not more than 16.4 g of camphor, and 42.1 percent of alcohol by volume, whereas the pharmacopoeia provides that chloroform liniment shall contain in each 1,000 cc not less than 31.5 g of camphor, and not less than 43 percent of alcohol by volume.

Misbranding was alleged for the reason that the statement "Contains 67% Alcohol", borne on the bottle label, was false and misleading, since the article contained less than 67 percent of alcohol. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On May 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

22593. Adulteration and misbranding of oil of lavender and sodium biphosphate. U. S. v. James Good, Inc., Thomas F. Meehan and John James Cram. Pleas of nolo contendere. Judgment of guilty. Fines, \$50. (F. & D. no. 31327. Sample nos. 37487-A, 37527-A.)

This case was based on shipments of drugs that were represented to be of pharmacopoeial standard but which were found to be below the standard established by the United States Pharmacopoeia.

On May 4, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James Good, Inc., a corporation trading at Philadelphia, Pa., and Thomas Meehan and John James Cram, of Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 20, 1933, from the State of Pennsylvania into the State of Maryland, of quantities of oil of lavender and sodium biphosphate which were adulterated and misbranded. The articles were labeled in part: "Oil of Lavender [or "Sodium Biphosphate"] U. S. P. * * * James Good, Inc. Philadelphia."

It was alleged in the information that the articles were adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation in the following respects: The oil of lavender yielded less than