

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Nu-Vim a Tonic and System Purifier Directions Adults one tablespoonful in water every two hours until bowels act well, then three times a day. Children in proportion to age"; (carton) "Nu-Vim A Tonic and System Purifier New Lease on Life Nu-Vim is highly recommended in the treatment of Chronic Constipation, Indigestion, Blood, Stomach, Kidney and Functional Disorders of the Liver System Builder Nu-Vim aids the natural digestive process through its prompt though gentle corrective action; bodily nourishment is derived through the proper assimilation of wholesome foods. Nu-Vim establishes the regular and free movements of the bowels and is therefore looked upon as a Blood Medicine and System Purifier \* \* \* Indigestion."

Misbranding was alleged for the further reason that the package containing the article failed to bear a statement of the quantity or proportion of alcohol contained therein.

On March 31, 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.*

**22326. Misbranding of Billy B. Van's Pine Tree Ointment. U. S. v. Commercial Laboratories, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 30312. Sample no. 16550-A.)**

This case was based on an interstate shipment of an ointment, the labels of which bore unwarranted claims for its effectiveness as an antiseptic and germicide.

On November 27, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Commercial Laboratories, Inc., a corporation, Newark, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 15, 1932, from the State of New York into the State of New Hampshire, of a quantity of an ointment which was misbranded. The article was labeled in part: (Carton and jar) "Billy B. Van's Pine Tree Ointment Pine Tree Products Co., Newport, New Hampshire"; (carton) "It is Antiseptic, germicidal"; (circular) "Pine Needle Oil \* \* \* is recognized as one of the most effective disinfectants, germicides and antiseptics."

Analysis of a sample of the article by this Department showed that it consisted of a pale-green ointment containing chiefly petrolatum and volatile oils, apparently pine oil, menthol, and camphor. Bacteriological examination showed that it was not antiseptic and was not germicidal when used as directed.

It was alleged in the information that the article was misbranded in that the statements in the labeling, (carton) "It is antiseptic, germicidal", and (circular) "Pine Tree Needle Oil \* \* \* is recognized as one of the most effective \* \* \* germicides and antiseptics", were false and misleading, since the article was not a germicide and was not an antiseptic.

On March 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**22327. Misbranding of Cly-Tone Tonic, Liberty Nerve and Gland Treatment, Liberty Liniment, Liberty Tonic, Ru-Co Skin Remedy, 7 A's Pain Killer, 7 A's Iron Tonic, and Cly-Tone Pain Killer. U. S. v. 8 Bottles of Cly-Tone Tonic, et al. Default decrees of condemnation and destruction. (F. & D. nos. 30780, 30788 to 30794, incl., 30798. Sample nos. 34314-A to 34319-A, incl., 34324-A, 34325-A, 41601-A.)**

Examination of the drug products involved in these cases showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the respective labelings.

On or about August 2, 1933, the United States attorney for the Eastern District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8 bottles of Cly-Tone Tonic, 45 packages of Liberty Nerve and Gland Treatment, 47 bottles of Liberty Liniment, 156 bottles of Liberty Tonic, 42 jars of Ru-Co Skin Remedy, 11 bottles of 7 A's Pain Killer, 17 bottles of 7 A's Iron Tonic, and 9 bottles of Cly-Tone Pain Killer at Little Rock, Ark. On August 3, 1933, a