

22372. Misbranding of Pineforus No. 1 and Pineforus No. 2. U. S. v. 112 Bottles of Pineforus No. 1, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32497. Sample nos. 67335-A, 67336-A.)

Examination of the drug products involved in this case showed that they contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The articles were labeled to convey the impression that they were composed of ingredients obtained from the pine tree, whereas they were not.

On April 3, 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 112 bottles of Pineforus No. 1 and 187 bottles of Pineforus No. 2 at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about March 10, 1934, by Harry J. Mooney, as a passenger on a coach line, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Pineforus Co., Chicago, Ill."

Examination of samples of the articles by this Department showed that they consisted essentially of balls of cotton saturated with a mixture of volatile oils including menthol, camphor, and eucalyptol (9 percent) with mineral oil (91 percent).

It was alleged in the libel that the articles were misbranded in that the statements on the labels, "Pineforus" and "Pine Air Inhalent", were false and misleading in view of the composition of the articles. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the articles were false and fraudulent: (Pineforus No. 1) "For Hay Fever & Asthma"; (Pineforus No. 2) "For * * * Catarrh"; (both products) "Pineforus is recommended by Physicians Made in Two Formulae. No. 1 for Hay Fever, Asthma, Insomnia, Whooping Cough, Croup * * * Restores the Voice No. 2 for * * * Catarrh, Bronchitis, LaGrippe, Influenza * * * Purifies the Air you Breathe. Directions:— Turn bottle upside down to saturate fillers with oils. Insert a filler in each nostril with a pair of tweezers. Use fresh fillers every two hours until you can breathe easy, then change fillers every eight hours. Pineforus consists of a combination of * * * healing oils. Made in two formulae for all forms of Congestion in Head, Throat and Lungs."

On April 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.*

22373. Adulteration and misbranding of glycerin. U. S. v. 1 Drum of Glycerin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32529. Sample no. 58845-A.)

This case involved a shipment of glycerin labeled U. S. P., but which differed from the standard laid down in the United States Pharmacopœia.

On April 11, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum of glycerin at Trenton, N. J., alleging that the article had been shipped in interstate commerce, on or about January 29, 1934, by James Good, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and its strength, quality, and purity differed from the standard set up by the said pharmacopœia, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, namely, "Glycerin U. S. P."

On May 25, 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.*