

On November 13, 1933, 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.*

**21799. Misbranding of Nomoppin. U. S. v. Fourteen 3-Ounce Bottles and Thirty-seven 1-Ounce Bottles of Nomoppin. Default decree of destruction.** (F. & D. no. 31191. Sample no. 39865-A.)

Examination of the drug preparation, Nomoppin, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 14, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fourteen 3-ounce bottles and thirty-seven 1-ounce bottles of Nomoppin at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about September 4, 1933, by the MacMillan Drug Co., from Columbia, S.C., 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 arsenic trioxide (2 grams per 100 milliliters), a small proportion of potassium carbonate, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle, both sizes) "The internal remedy for chicken sorehead, also preventive \* \* \* 20 drops to each quart of their drinking water, till all signs have disappeared. If improvement be too slow—after 48 hours—increase dose to 30 or 40 or even 50 drops to each quart till improving"; (bottle, three-ounce size) "As preventive"; (white circular accompanying 3-ounce size) "Cures—Prevents Chicken Sorehead \* \* \* Aids Egg production by its tonic effect \* \* \* Consider grain, etc., costs and time lost to restore normal flesh and vigor to flock have sorehead—loss in Eggs and Broilers."

On November 8, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

**21800. Misbranding of Mixer's Cancer and Scrofula Syrup. U. S. v. 32 Cartons and 5 Cartons of Mixer's Cancer and Scrofula Syrup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 30999, 31000. Sample nos. 36425-A, 45635-A.)

Examination of the drug preparation, Mixer's Cancer and Scrofula Syrup, disclosed that it contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about August 28, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 cartons of Mixer's Cancer and Scrofula Syrup in part at Toledo, Ohio, and in part at Wauseon, Ohio, alleging that the article had been shipped in interstate commerce on or about July 24 and August 2, 1933, by the Mixer Medicine Co., from Hastings, Mich., 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 potassium iodide, (2.9 grams per 100 milliliters), extracts of plant drugs, including a laxative drug, sugar, alcohol and water, flavored with methylsalicylate.

It was alleged in the libels that the article was misbranded in that the retail and shipping cartons, the bottle label, and a booklet shipped with the article contained false and fraudulent statements concerning the curative and therapeutic effects of the article in the treatment of cancer, including cancer of the lip, nose, face, eye, forehead, cheek, chin, eyebrow, ear, neck, tongue, shoulder, breast, womb, and knee, scrofulous affections, erysipelas, St. Anthony's fire, tinea capitis, scaldhead, milk crust, salt rheum, ringworm, tetter, tumors, ulcers, boils, pustules, blotches, pimples, catarrh, laryngitis, bronchitis, dyspepsia, piles, fistula, diseases peculiar to the glandular and assimilative systems, scrofula and kindred diseases, abscesses, all blood diseases, sores, fever sores, goiter, eruptions, malignant conditions of growths, rheumatism, eczema, cancerous tumor, chronic ulcer, running sore, ulcers in the throat, asthma, catarrh

of stomach, large glands, tuberculosis of the bones, sore eyes, blindness, carbuncles, ovarian tumor, consumption, cramping of limb, milk leg, varicose veins, lameness of the back, and swelled neck.

On November 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**21801. Adulteration and Misbranding of Pyroligneous Compound No. 1 and misbranding of Pyroligneous Compound No. 2, and Healing Ointment. U. S. v. Lester Tilton (Tilton Laboratories). Tried to the court and a jury. Verdict of guilty. Fine, \$1,000. (F. & D. no. 27517. I.S. nos. 25192, 25193, 25194, 35010.)**

Examination of the drug products involved in this case disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. Tests of the Pyroligneous Compound No. 1 showed that the article did not possess the germicidal and disinfectant properties claimed.

On May 2, 1932, 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 Lester Tilton, trading as the Tilton Laboratories, Clinton, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about June 23 and November 10, 1930, from the State of Iowa into the State of Illinois, of a quantity of Pyroligneous Compound No. 1, which was adulterated and misbranded, and of quantities of Pyroligneous Compound No. 2 and Healing Ointment, which were misbranded; and on or about July 6, 1931, from the State of Iowa into the State of Illinois, of a quantity of Healing Ointment which was misbranded.

Analyses of samples of the articles by this department showed that the Pyroligneous Compound No. 1 consisted essentially of small proportions of ammonium carbonate, ammonium hydroxide, and pyridine and water (approximately 98 percent); that the Pyroligneous Compound No. 2 consisted essentially of small proportions of ammonium hydroxide and pyridine, a trace of a phenolic substance and water (approximately 98 percent); and that the Healing Ointment consisted essentially of small proportions of volatile oils including camphor, peppermint oil, and turpentine oil, incorporated in petrolatum.

It was alleged in the information that the Pyroligneous Compound No. 1 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 be a germicide and a disinfectant, whereas it was not a germicide and it was not a disinfectant.

Misbranding of the Pyroligneous Compound No. 1 was alleged for the reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article appearing on the bottle label, falsely and fraudulently represented that it was effective as a haemostat, and effective as a remedy, treatment and cure for ulcers of stomach or food tract, sore mouth, pyorrhea, sore tonsils and sore throat; and effective as a treatment, remedy and cure for piles and female trouble. Misbranding of the Pyroligneous Compound No. 2 was alleged for the reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a treatment, remedy and cure for goitre, swollen glands and varicose veins. Misbranding of the Healing Ointment was alleged for the reason that certain statements, designs and devices regarding the therapeutic and curative effects of the article, appearing on the carton label and in a label contained in the carton, falsely and fraudulently represented that the article was effective as a healing ointment; and effective as a treatment, remedy and cure for boils, carbuncles, abscesses, infections, sore throat, tonsillitis, sore lungs, pus conditions of pleura, appendicitis and varicose ulcer; and effective as a treatment for swollen or inflamed parts.

On November 1, 1933, the case came on for trial before the court and a jury. The trial was concluded on November 3, the court submitting the case to the jury with the following instructions (Dewey, D. J.):

“Gentlemen of the jury: Instruction No. 1. On May 2, 1932, the United States attorney filed an information against Lester Tilton, trading as Tilton Laboratories, charging him with six separate and distinct offenses, set out in the information as counts 1 to 6, inclusive. The information will be given you and you can take it to your jury room.