

On September 25, 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.*

21532. Misbranding of French's White Pine and Cherry Compound Cough Syrup. U. S. v. 70 Bottles of French's White Pine and Cherry Compound Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 30773. Sample no. 42174-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled to convey the impression that it was composed of roots, barks, and herbs, whereas an inorganic drug, ammonium chloride, was an important ingredient.

On or about August 8, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bottles of French's White Pine and Cherry Compound Cough Syrup at Miles City, Mont., alleging that the article had been shipped in interstate commerce, on or about March 15, 1932, by the Atlantic Sales Corporation, from Rochester, N.Y., 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 extracts of plant drugs including wild cherry and ipecac, ammonium chloride, menthol, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements in the labeling, "French's White Pine and Cherry Compound Cough Syrup * * * A cough Syrup made from roots, barks and herbs * * * is prepared from barks and other vegetable drugs", were misleading in view of the actual composition of the product, which included ammonium chloride as an ingredient. Misbranding was alleged for the further reason that the following statements on the cartons and bottles, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Recommended for Coughs, Hoarseness * * * Bronchial colds, Bronchitis, and Inflammation of the air passages * * * for coughs, hoarseness"; (bottle) "For Coughs, Bronchial Colds, Bronchitis, Croup and Hoarseness * * * Dose for Grown Persons * * * in severe cases * * * In Croup * * * in severe cases."

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

21533. Misbranding of Rogers' Headache Soda. U. S. v. 120 Packages of Rogers' Headache Soda. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30955. Sample no. 49469-A.)

This case involved a drug product labeled to convey the impression that soda was the important therapeutic agent. Analysis showed that the article contained acetanilid and caffeine, to which could be ascribed its therapeutic action. The label of the article bore an incorrect declaration of the acetanilid, also unwarranted curative and therapeutic claims.

On August 19, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 packages of Rogers' Headache Soda at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about May 23, 1933, by the Rogers Drug Co., from Memphis, Tenn., 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 acetanilid (226 grains per ounce, 3.3 grains per average powder), caffeine, and sodium bicarbonate.

It was alleged in the libel that the article was misbranded in that the name of the article, "Headache Soda", was false and misleading, since soda did not represent the active ingredient upon which its physiological effect would depend. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article, since the declaration on the carton and on the envelop was incorrect. Misbranding was alleged for the further reason that

the following statements regarding its curative or therapeutic effects were false and fraudulent: "Relieves sick Headache, and generally prevents it if taken when first symptoms are noticed. Especially recommended for all aches and pains peculiar to women. * * * You will get most satisfactory results when taken for Flu, Grippe * * * We recommend Rogers' Headache Soda for loss of sleep or an overworked brain, and believe you will feel refreshed and find your brain to be clear and active. It makes no difference what causes the pain, take a dose of Rogers' Headache soda and you are very likely to get relief. * * * Directions—For * * * Neuritis * * * Etc. * * * For * * * Flu, Grippe, Etc. * * * Directions—For Nervousness, Sleeplessness, Etc. * * * For Nervousness."

On September 20, 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.*

21534. Misbranding of Aromist. U. S. v. 14 Dozen Packages of Aromist, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30349. Sample nos. 33626-A, 35525-A.)

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

On April 26, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 dozen packages of Aromist with atomizer, and 14 dozen packages of Aromist without atomizer, alleging that the article had been shipped in interstate commerce, on or about January 19, 1933, by T. J. Holmes Co., Inc., from Chartley, Mass., 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 volatile oils (approximately 13 percent) including lavender oil, cardamon oil, menthol, camphor, and eucalyptol; alcohol, and small proportions of glycerin and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label and carton) "For * * * sore throat, * * * Excellent for * * * skin infections"; (white circular) "Prophylactic, * * * prophylactic * * * may prevent serious sickness. A few sprays to the nose and throat on arising and at bedtime act as an aid to nature in combating disease germs. * * * value * * * is soon noted in cases of sore throat and influenza. * * * recommended for skin infections. * * * invigorates"; (display carton) "A powerful aid in combatting * * * Sore throat—Influenza."

On November 8, 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.*

21535. Adulteration and misbranding of Consolidated Stock and Poultry Compounds. U. S. v. Fourteen 3-Pound Packages of Consolidated Stock Compound, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30744. Sample nos. 37430-A, 37431-A.)

This case involved products sold as stock and poultry conditioners and represented to contain yeast and cod-liver oil. Examination showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. No yeast nor cod liver oil were in the samples of the products analyzed.

On July 24, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of Consolidated Stock Compound and 18 packages of Consolidated Poultry Compound at Turner, Oreg., alleging that the articles had been shipped on or about February 7, 1933, from Hutchinson, Kans., in the name of the consignee, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Consolidated Stock Compound consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, small proportions of sulphur, quassia, and