

interstate commerce, on or about November 1, 1932, by Superior Medicated Products Corporation from New York, 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 of stramonium leaves prepared in the form of cigarettes.

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: (Carton) "* * * Relievers instantly relieve Asthma, Hay Fever, Bronchitis, Catarrh * * * Sore Throat and all ailments of the throat, nose, lungs, and respiratory tract. For instantaneous relief in any of these ailments, light up an Astra just the same as a cigarette, inhale deeply, and after a few seconds, slowly let the smoke out through the nostrils. In this way the smoke reaches all the affected parts * * * and opens up the air passages"; (wrapper) "Instant relief for asthma, catarrh, hay fever"; (display carton) "Asthma Relievers * * * A sure relief from Asthma, Hay Fever, Bronchial Ailments."

On July 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.*

21246. Adulteration and misbranding of mineral oil. U. S. v. 10 Gross Bottles of Imported Russian Mineral Oil. Consent decree ordering product released under bond to be relabeled. (F. & D. no. 30074. Sample no. 31656-A.)

This case involved a quantity of light mineral oil. The article was represented to be heavy mineral oil. It also was falsely labeled as to the name of the manufacturer and the State in which it was made.

On April 13, 1933, 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 10 gross bottles of mineral oil at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 25, 1933, by the Gibson-Howell Sales Co., from Jersey City, N.J., 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 its purity fell below the professed standard and quality under which it was sold, namely, "Russian Mineral Oil Heavy."

Misbranding was alleged for the reason that the name, "Russian Mineral Oil Heavy", borne on the label, was false and misleading, since it tended to create the impression that the article was heavy liquid petrolatum as defined in the United States Pharmacopoeia, whereas it was not heavy liquid petrolatum. Misbranding was alleged for the further reason that the statement on the label, "Honor Research Laboratories, New York, Chicago", was false and misleading with respect to the identity and location of the producer or packer; and in that the article was falsely branded as to the State in which it was manufactured or produced.

On July 21, 1933, the Gibson-Howell Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the goods, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that the labels be removed under the supervision of this Department, and that it be relabeled in part: "Light Mineral Oil 1 Pint Packed by Gibson-Howell Co., of Jersey City."

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

21247. Misbranding of Dr. E. A. Welters Wonderful Tooth Powder. U. S. v. 60 Packages of Dr. E. A. Welters Wonderful Tooth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30464. Sample no. 35592-A.)

Examination of Dr. E. A. Welters Wonderful Tooth Powder disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and can labels.

On May 15, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 packages of Dr. E. A. Welters Wonderful Tooth Powder at New Orleans, La., alleging that

the article had been shipped in interstate commerce on or about January 27, 1933, by E. A. Welters Tooth Powder Co., from Chicago, Ill., 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 calcium carbonate, soap, and alum flavored with peppermint oil and sweetened with saccharin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "For Toughening Tender Gums Helps Prevent Decay * * * Allow 'foam' created by moistened powder, to remain on 'tender gums' 20 to 30 seconds before expectorating (spitting). * * * to help 'toughen tender gums' * * * It is simply a combination of ingredients recognized by many of the dental profession, as standards for the care and preservation of the teeth and gums"; (can) "Toughens Tender Gums Helps Prevent Decay * * * to help toughen tender, bleeding gums, * * * and prevent decay."

On June 22, 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.*

21248. Misbranding of Apinol. U. S. v. 5¾ Dozen 2-Ounce Bottles and Ten 16-Ounce Bottles of Apinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30363. Sample nos. 32665-A, 32666-A.)

Examination of the product Apinol disclosed that it contained no ingredient capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it was an antiseptic mouth wash and was not poisonous; whereas it was not an antiseptic when used as a mouth wash, and was poisonous.

On April 28, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5¾ dozen 2-ounce bottles and ten 16-ounce bottles of Apinol at Columbia, S.C., alleging that the article had been shipped in interstate commerce, on or about February 25, 1933, by the Apinol Corporation, from Wilmington, N.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 pine oil. Bacteriological examination showed that the product would not be effective as an antiseptic for the mouth when used as a dentifrice.

It was alleged in the libel that the article was misbranded in that the statements on the cartons, "Apinol is a safe non-poisonous antiseptic and application to replace iodine, carbolic acid and corrosive sublimate", were false, since the article was poisonous and did not have the antiseptic powers of the substances named. Misbranding was alleged for the further reason that the statements on the bottle and in the circular, (bottle) "Mouth Antiseptic—A few drops of Apinol on the toothbrush" and (circular) "Mouth Hygiene Use two drops of Apinol on the toothbrush. This has an antiseptic effect", were false and misleading, since the article was not effective as an antiseptic when so used. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity: (Carton labels, 2-ounce and 16-ounce size) "Sores * * * (Keeps Out Infection)"; (bottle label, 2-ounce size) "(Keeps Out Infection) * * * Dirty Wounds, Old Sores, * * * Use this same method for the Bites of Animals, Powder Burns or Rusty Nail Wounds, but also consult a physician. * * * A few drops of Apinol on the toothbrush will * * * combat pyorrhea"; (circular, 2-ounce size) "Destroys Germs and Keeps Out Infection Strong enough to Kill Germs or to Prevent Infection * * * It is * * * deadly to germs * * * Open Sores * * * Fly infected Wounds * * * Hoof Rot * * * Germ-destroying Properties of Apinol * * * Staphylococcus aureus, Streptococcus hemolyticus, Bacillus typhosus, Bacillus subtilis, Bacillus Coli communis, Bacillus tetani, Pus discharges, Boils, Chronic infections, blood poisoning, erysipelas, Typhoid, Anthrax, Ulcers, Abscesses, Tetanus or lockjaw. * * * Apinol, however, prevents the multiplication of the spores and thus in the case