

district court of the United States a libel praying seizure and condemnation of 47½ dozen packages each of I-den-tine dental cream, Dr. Wayne's dental cream, and Orident dental cream at New York, N.Y., alleging that the articles had been shipped in interstate commerce on or about February 23, 1933, by the Trade Laboratories, Inc., from Newark, N.J., to New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "I-den-tine Dental Cream \* \* \* Redd Chemical Company Newark, N.J."; "Dr. Wayne's Dental Cream \* \* \* Dr. Wayne's Laboratories—South Bend, Indiana"; "Orident \* \* \* Dental Cream \* \* \* Orident Laboratories New York, N.Y."

Analyses of samples of the articles by this Department showed that the I-den-tine dental cream, Dr. Wayne's dental cream, and Orident dental cream, were of similar composition consisting essentially of calcium phosphate, calcium sulphate, a small proportion of gum, traces of pepsin and an iodide, glycerin, and water, flavored with peppermint oil.

It was alleged in the libel that the articles were misbranded in that the following statements on the labels were false and misleading, since the articles were prepared by the Trade Laboratories, Inc., Newark, N.J.: (I-den-tine dental cream) "Redd Chemical Company"; (Dr. Wayne's dental cream) "Dr. Wayne's Laboratories, South Bend, Indiana"; (Orident dental cream) "Orident Laboratories, New York, N.Y." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles were false and fraudulent: (I-den-tine dental cream, carton) "Especially prepared for—Bleeding Gums"; (tube) "Especially prepared for Bleeding Gums, \* \* \* and Pyorrhea, \* \* \* makes the gums healthy and firm"; (Dr. Wayne's dental cream, carton) "Especially prepared for Bleeding Gums, \* \* \* and Pyorrhea"; (tube) "Especially prepared for Bleeding Gums \* \* \* and Pyorrhea. \* \* \* makes the gums healthy and firm"; (Orident dental cream, carton) "Aids in the Prevention of Pyorrhea"; (tube) "Aids in the Prevention of Pyorrhea. \* \* \* makes the gums healthy and firm."

On April 13, 1933, the Trade Laboratories, Inc., Newark, N.J., having withdrawn claim for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20879. Adulteration and misbranding of aspirin tablets and amidopyrine tablets and misbranding of Maydoll D. tablets. U. S. v. 2 Display Cards of Aspirin Tablets, et al. Default decrees of condemnation, forfeiture, and destruction. F. & D. nos. 29952, 29953, 30028, 30029. Sample nos. 21696-A, 21697-A, 21698-A, 31804-A, 31805-A.)**

These several cases involved a quantity of alleged 5-grain aspirin tablets that were found to contain approximately 2 grains each of aspirin; a quantity of so-called "Maydoll D. tablets" that were represented to contain 5 grains each of a medicinal agent or agents, and which contained less than half the declared amount of such agent (sodium benzyl succinate); and a quantity of alleged 5-grain amidopyrine tablets that contained approximately 1.74 grains of amidopyrine each. The labels of the aspirin and Maydoll D. tablets bore unwarranted curative and therapeutic claims.

On March 23 and March 30, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States libels praying seizure and condemnation of 296 display cards each bearing a number of envelopes containing aspirin tablets, 22 boxes of Maydoll D. tablets, and 22 boxes of amidopyrine tablets at New York, N.Y. It was alleged in the libels that the articles had been shipped in interstate commerce on or about February 12, 1933, by the Mills Sales Co., from Chicago, Ill., to New York, N.Y., and that the aspirin and amidopyrine tablets were adulterated and misbranded, and the Maydoll D. tablets were misbranded in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the aspirin tablets and the amidopyrine tablets were adulterated in that their strength fell below the professed standard or quality under which they were sold, "5 Grain Tablets."

Misbranding was alleged for the reason that the statements "5 grain tablets", with respect to the aspirin tablets, the statement "Tablets—5 Grains. Amidopyrine", with respect to the amidopyrine tablets, and the statement "Tablets—5 Grains", with respect to the Maydoll D. tablets, were false and mis-

leading. Misbranding was alleged for the further reason that the statements (display card) "Recommended for \* \* \* Neuritis, \* \* \* and other Aches & Pains \* \* \* (to prevent gastric disturbances)", with respect to the aspirin tablets, and the statement, "For Dysmenorrhea (Painful Menstruation)", with respect to the Maydoll D. tablets, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On May 16, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20880. Misbranding of Mintol Vapocream. U. S. v. Clarence E. Worthen (The Home Relief Laboratories and the American Drug Sales Co.). Plea of guilty. Fine, \$25. (F. & D. no. 28144. I. S. nos. 39071, 39072.)**

Examination of the drug preparation Mintol Vapocream on which this case was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 7, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Clarence E. Worthen, trading as the Home Relief Laboratories and the American Drug Sales Co., Malden, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about October 21, 1931, from the State of Massachusetts into the State of Maine, of quantities of Mintol Vapocream that was misbranded. Certain curative and therapeutic claims were found on the jars and cartons of a portion, on the envelopes and boxes of the remainder, and in a circular accompanying both lots.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of camphor, menthol, eucalyptol, methyl salicylate, and formaldehyde, incorporated in a petrolatum base.

It was alleged in the information that the article was misbranded in the following respects: Certain statements regarding the curative and therapeutic effects of the article, appearing on the jars and cartons of a portion, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for influenza, pneumonia, Spanish influenza, congestion and inflammation; effective as a treatment for whooping cough, tonsillitis, bronchitis, catarrh, sore throat, asthma, eczema, itching piles, itching humors, and boils; effective to scatter congestion, to allay fever, and to reduce inflammation; effective to aid in opening the air passages and to loosen the phlegm in whooping cough, and as a valuable assistant remedy in the treatment of Spanish influenza and catarrh. Certain statements on the envelopes and boxes of a portion falsely and fraudulently represented that the article was effective to stop flu and pneumonia; effective as a quick relief for croup and all congestion; effective as a treatment, remedy, and cure for influenza and pneumonia; effective to scatter congestion, to allay fever, and to reduce inflammation; effective to aid in opening the air passages and to loosen the phlegm in whooping cough; and certain statements appearing in a circular shipped with both lots falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for influenza, grip, or pneumonia; and as a treatment and remedy for congestion and inflammation; effective as a remedy for pneumonia, influenza, grippe, croup, whooping cough, coughs, pleurisy, bronchitis, tonsillitis, swollen glands, boils, felons, toothache, earache, bunions, and carbuncles; effective as a relief for stiffness in joints, contracted muscles, inflammation, and wounds, and to rapidly reduce fever of all descriptions; effective to heal ailments of the throat and lungs and to scatter congestion; effective as a treatment for sore throat, catarrh, severe catarrhal conditions, asthma, and influenza, pneumonia, or la grippe; effective as a treatment, remedy, and cure for roup in fowls, distemper in horses and dogs, and pleurisy or pneumonia in horses; effective as a treatment, remedy, and cure for broncho-pneumonia, bunions, hay fever, rose colds, catarrh, and any sore, effective to relieve pain and as a relief for sore feet; and effective to take the soreness out of any sore spots on any part of the body.

On May 15, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*