

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (container) "Contains Acetphenetidin * * * 2 Grains per Tablet."

Misbranding was alleged for the reason that the statements on the container, "Contains Acetphenetidin * * * 2 grains per tablet. * * * Does not affect the heart"; and (leaflet) "Does not depress the heart", were false and misleading. Misbranding was alleged for the further reason that the label failed to bear a correct statement of the quantity or proportion of acetphenetidin, an acetanilid derivative, contained in the article, and for the further reason that the following statements, regarding its curative and therapeutic effects, were false and fraudulent: (Container) "Nuran * * * used with conspicuous success in * * * Toothache, * * * Neuritis, Tonsillitis, Sore Throat, Menstrual Pains, * * * Rheumatism, Influenza"; (leaflet) "Nuran * * * safer * * * more effective for Pain * * * etc."

On April 4, 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.

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

20893. Misbranding of Frye's Hydrocarboline spray solution. U. S. v. 31 Bottles of Frye's Hydrocarboline Spray Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29983. Sample no. 34584-A.)

Examination of the drug preparation, Frye's Hydrocarboline spray solution, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 24, 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 a libel praying seizure and condemnation of 31 bottles of Frye's Hydrocarboline spray solution at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 31, 1933, by the Geo. C. Frye Co., from Portland, Maine, to Boston, 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 liquid petrolatum containing 1.5 percent of volatile oils including menthol, thymol, eucalyptol, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label and in an accompanying circular, were false and fraudulent: (Circular) "Aseptic * * * For Throat and Nose. * * * Unlike Atomizers which throw only coarse, heavy streams that are liable to do injury to an inflamed membrane, * * * The fineness of its vapor causes it to penetrate every portion of the respiratory tract. * * * a perfect vapor of antiseptic spray held in contact with inflamed surfaces of the middle ear and eustachian tubes, resulting in much benefit when defective hearing or humming in the ears is caused by acute inflammation or chronic catarrh. By a similar manipulation of the Hydrocarboline Nebulizer, the medicated vapor can be forced into the tubes and air cells of the lungs, giving a local application to the inflamed mucous membranes of bronchial tubes and recesses of lungs, which renders it invaluable in the treatment of Bronchial Catarrh, Acute Bronchitis, Pneumonia or Tuberculosis"; (bottle) "A Valuable Spray for the Treatment of Throat and Nasal Affections * * * Especially prepared for use in our Aseptic Hydrocarboline Nebulizer."

On April 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.

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

20894. Misbranding of Tan-A-Wa tonic and Tan-A-Wa Nervine. U. S. v. 50 Bottles of Tan-A-Wa (Tonic) and 18 Bottles of Tan-A-Wa Nervine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29773, 29774. Sample nos. 30051-A, 30052-A.)

Examination of the drug preparations involved in these cases disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.