

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29001-29050

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 3, 1938]

**29001. Misbranding of Pon-Tam-Pon and Glycerant. U. S. v. 21 Cartons of Pon-Tam-Pon and Glycerant. Default decree of condemnation and destruction. (F. & D. No. 42049. Sample No. 18623-D.)**

These products were misbranded because of false and fraudulent curative and therapeutic claims and because of false and misleading representations that the tampons contained free iodine.

On March 26, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons, each containing a tampon and a tube of Glycerant at Los Angeles, Calif.; alleging that the articles had been shipped in interstate commerce on or about November 17, 1937, from Rutland, Vt., by the Pond Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the tampons consisted of gelatin capsules containing a jelly composed of glycerated gelatin, boric acid, and an iodide; a layer of powder composed of silver nitrate and boric acid and a bundle of wool fibers. The tube labeled "Glycerant" contained glycerite of starch and boric acid.

Misbranding was alleged in that the following statements appearing in a circular contained in the package were false and misleading since the tampons contained no free iodine: "Wherever germs can go iodine can follow, but more rapidly. \* \* \* original and pure state \* \* \* Iodine. \* \* \* With iodine equivalent to 20 percent of the Tincture \* \* \* Iodine." Misbranding was alleged further in that certain statements appearing upon the carton, in a circular contained in the package and upon the tube labeled "Glycerant," falsely and fraudulently represented that the articles when used together, were effective in the treatment of gonorrhoea in women; and that the Glycerant when used separately was an effective treatment for inflammation, skin diseases, hemorrhoids, sores, sore gums, etc.

On April 20, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

**29002. Misbranding of I. G. Antiseptic. U. S. v. 182 Bottles and 154 Bottles of I. G. Antiseptic. Default decree of condemnation and destruction. (F. & D. No. 41737. Sample Nos. 891-D, 892-D.)**

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its antiseptic and germicidal properties, and it failed to bear a statement of the quantity of isopropyl alcohol contained therein.

On February 15, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 336 bottles of I. G. Antiseptic at Worcester, Mass.; alleging that the article had been shipped in interstate commerce on or about November 13 and 23, 1937, from Syracuse, N. Y.,

by Norzel's Beauty Products Manufacturing Co., Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of water, isopropyl alcohol, glycerin, and small proportions of sodium chloride, potassium iodide, sodium carbonate, iodoform, and perfume material. Bacteriological tests showed that it was not an antiseptic under conditions of practical usage.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since the article would not accomplish the effects claimed: (Label) "Antiseptic \* \* \* use I. G. freely around cuticles to prevent infections. \* \* \* Use I. G. after shaving to prevent barbers itch and many other infections"; (circular) "First Aid Antiseptic The Sign of Protection Against Irritation and Infection \* \* \* The danger of permanent wave burn lies not so much in the burn itself as in the infection which may arise. Burns and infection do not always make themselves apparent before the client leaves your shop. To be on the safe side always take the sure, easy precaution of sponging the scalp with I G after permanent waving \* \* \* A simple cut caused by a hangnail or cuticle being removed by nippers or scissors may leave the cuticle open to incipient infection. Infection may take hours or days before it becomes noticeable. To serve the best interests of your clients and to protect your own business, use I G freely around the cuticle after each manicure. The healing action of I G soothes the hurt and its germicidal action sterilizes the wound. Infection is arrested before it even starts! \* \* \* Falling hair \* \* \* and excessive dandruff are frequently due to germs. The germicidal action of I G \* \* \* will prevent causative germs from setting in when pores are open. \* \* \* I G will prevent the danger of any unpleasant after effects. \* \* \* Many of your customers are sensitive to the effects of hair dyes. The dye enters the pores of the scalp and an itching sensation is noticed. If the affected person does not aggravate this itching the effects will be negligible. Scratching or rubbing may cause serious infection which will reflect on you. To prevent unpleasant 'kick-backs' moisten absorbent cotton and apply to the treated areas. I G enters the pores and breaks down the dye. The cause of itching is removed and no after effects are noticed. I G will soothe irritation and prevent infection. \* \* \* After each eyebrow treatment sponge the surrounding area with I G and take precaution against infection. Protect yourself against these dangers. —and what precautions do you take in your business to protect your patrons from infections? If you have been a constant user of I G this question can be answered convincingly. The slight extra care you take in applying I G as a preventative measure is well repaid by the freedom you find from worry, \* \* \* Before being placed on the market I G was exhaustively tested on every point of effectiveness \* \* \* Today I G is available to you and you can use it with every confidence in its ability to protect your clientele."

The article was alleged to be misbranded further in that certain statements in the labeling regarding its curative and therapeutic effects, falsely and fraudulently represented that it would prevent, heal, and eliminate infections, would take away inflammation; that it was effective as an antiseptic scalp treatment to arrest hair falling and to remove dandruff; that it would restore cells and pores to a normal healthy condition; and that it was effective as a preventative of barber's itch and as a treatment for burns and skin eruptions.

Misbranding was alleged further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained in the article since no declaration of the quantity or proportion of isopropyl alcohol was made.

On May 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29003. Adulteration of catgut ligatures. U. S. v. 1,000 Dozen Tubes of Catgut Ligatures. Unsterile portion condemned and destroyed. Remainder, with consent of claimant, retained by marshal and subsequently ordered destroyed. (F. & D. No. 29736. Sample No. 28829-A.)**

This product consisted of ligatures identified by various control numbers. Ligatures were examined from four of the control numbers. Nine out of twenty-four examined from one of the control numbers were unsterile.

On January 10, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court