

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, (on the metal container) "Kalms Formula * * * Amidopyrin 3 grains."

The article was alleged to be misbranded in that the device Kalms upon the retail container and display carton, and the statements upon the display carton, "Relief For Headache Neuralgia Muscular & Rheumatic Pain * * * that storm of Pain will yield to Kalms * * * Kalms are suggested for Colds * * * Headache, Neuralgia, Muscular and Rheumatic Pain," and the statements on the retail container, "Rapid Pain Relief For headache, colds, neuralgia, muscular and rheumatic pains * * * Kalms Formula Antipyrin 2 grains Amidopyrin 3 grains Caffein ½ grain Directions Take one or two Kalms tablets at first indication of pain. If relief does not follow in half hour, take one tablet. Do not repeat dose thereafter for two hours," were false and misleading since they created the impression that the article if taken as directed was a safe medicament; whereas when taken as directed, it was a dangerous medicament.

It was alleged to be misbranded further in that the foregoing statements and device were false and fraudulent since they created the impression that when used as directed, it was a safe and appropriate medicament for the disease conditions mentioned; whereas it was a dangerous medicament; and in that the following statements appearing on the retail container and the display carton also falsely and fraudulently represented its curative and therapeutic effects since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Retail metal container) "Rapid Pain Relief For * * * neuralgia * * * and rheumatic pains"; (display carton) "Relief For * * * Neuralgia * * * & Rheumatic Pain Kalms are suggested for * * * Neuralgia * * * and Rheumatic Pain That storm of Pain will yield to Kalms."

On June 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29009. Adulteration and misbranding of Gauztex. U. S. v. 8 Gross of Gauztex. Default decree of condemnation and destruction. (F. & D. No. 41943. Sample No. 8611-D.)

This product was represented to be sterile but was unsterile. Furthermore, its labeling contained false and fraudulent curative and therapeutic claims.

On March 11, 1938, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gross of Gauztex at Detroit, Mich.; alleging that the article had been shipped in interstate commerce on or about February 8, 1938, from Chicago, Ill., by the Gauztex Corporation; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article showed that it contained viable aerobic and anaerobic or facultative anaerobic micro-organisms.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (on the carton) "Sterilized Contains Nothing * * * Injurious" and (on the circular enclosed in the package) "Gauztex is sterilized," in that it was not sterile but contained viable micro-organisms.

It was alleged to be misbranded in that the statements on the carton, "Sterilized Contains Nothing * * * Injurious," "Fully Guaranteed For One Year," "Allows healing circulation of air," and "It is safe," and the statements on the circular, "Surgical gauze," "With Gauztex it is easy to protect all cuts or other injuries—large or small," "Gauztex protects the wound thoroughly," and "Gauztex is sterilized—safe to use," were false and misleading since they represented that the article was sterile; whereas it was not sterile but contained viable micro-organisms.

Misbranding was alleged further in that the following statements appearing in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the article since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Carton) "Allows healing circulation of air," "It is safe"; (circular) "Safe * * * surgical gauze * * * With Gauztex it is easy to protect all cuts or other injuries—large or small. * * * Eandage directly over small cuts, scratches or burns

with Gauztex. If a wound is large and bleeding freely, * * * If sterile gauze is not available, bandage directly over the wound with Gauztex to * * * protect it. Gauztex protects the wound thoroughly * * * promoting more rapid healing * * * wind Gauztex on to the finger. Cover wound with two or more turns * * * for finger-tip injuries, * * * How many times the children come to Mother with skinned knees and elbows * * * cuts, burns and scratches! How much better they like to have you use Gauztex * * * Gauztex is sterilized—safe to use.”

On June 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29010. Misbranding of hydrogen peroxide. U. S. v. 60 Bottles of U. S. P. Hydrogen Peroxide. Default decree of condemnation and destruction. (F. & D. No. 42035. Sample No. 9558-D.)

This product contained a greater amount of acetanilid than declared on the label. It was labeled to represent that it was of United States Pharmacopoeial standard but it differed from that standard since it contained an excess of preservative (acetanilid). It was also short of the declared volume.

On March 24, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of hydrogen peroxide at Johnstown, Pa.; alleging that the article had been shipped in interstate commerce on or about January 26, 1938, from Boston, Mass., by General Drug & Oil Co., Inc.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, “U. S. P. * * * Hydrogen Peroxide * * * With $\frac{1}{16}$ Grain Acetanilid to Fluid Ounce,” was false and misleading since it represented that the article contained three-sixteenths of a grain of acetanilid per fluid ounce; whereas it contained a greater amount. It was alleged to be misbranded further in that the statement “U. S. P. * * * Hydrogen Peroxide” was false and misleading since it represented that the article was solution of hydrogen peroxide U. S. P.; whereas it was not solution of hydrogen peroxide U. S. P. since it differed from the standard of strength as determined by the test laid down in the United States Pharmacopoeia, and the said statement led to one to believe that it was of such standard. Misbranding was alleged further in that the statement on the label, “Contents 4 Fl. Oz.,” was false and misleading since the bottles contained less than 4 fluid ounces.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29011. Adulteration and misbranding of ether. U. S. v. 40 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 41856. Sample No. 16834-D.)

This product was sold under a name recognized in the United States Pharmacopoeia, but differed from the pharmacopoeial standard in that benzaldehyde was found in samples examined.

On March 2, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cans of ether at Clarksburg, W. Va., consigned by Merck & Co.; alleging that the article had been shipped in interstate commerce on or about July 28, 1937, from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, “Ether,” and it differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia and its own standard was not stated on the label.

It was alleged to be misbranded in that the statement on the label, “Ether * * * U. S. P.,” was false and misleading and tended to deceive and mislead the consumer when applied to an article containing benzaldehyde.

On June 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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