

from fresh halibut livers biologically standardized, were false and misleading, since it was not halibut liver oil plain, but was a mixture of various fish-liver oils. It was alleged to be misbranded further in that it was offered for sale under the name of another drug.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS²

DRUGS ALSO FAILING TO BEAR REQUIRED INGREDIENT STATEMENT

175. Misbranding of San-Yak K-L-B Pills. U. S. v. 9 Bottles of Dr. Burnham's San-Yak K-L-B Pills. Default decree of condemnation and destruction. (F. D. C. No. 1817. Sample No. 5761-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Moreover, its label failed to bear a statement of the quantity of contents and also failed to bear a statement of the active ingredients contained in the product.

On April 20, 1940, the United States attorney for the Southern District of Indiana filed a libel against nine bottles of the above-named product at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by the Lee Chemical Co. from Birmingham, Mich.; and charging that it was misbranded.

Analysis showed that the article consisted chiefly of plant extractives including cinchona alkaloids, sandalwood, and emodin-bearing drugs; and magnesium, calcium, and iron salts.

The article was alleged to be misbranded in that its labeling bore representations that it would be efficacious to reduce sugar in the blood and urine, that it would be efficacious in frequent urination and for aches and pains in the back or joints and piles; that rheumatism, sugar in the blood, and high blood pressure are frequently caused by the improper functioning of the kidneys and liver, and that one pill taken daily would often be found beneficial in correcting these disorders; that it was an efficacious remedy for kidney, liver, and bladder disorders; that it had been used over 45 years by Dr. Burnham, a well-known specialist, who had devoted many years to the treatment of persons afflicted with kidney, liver and bladder disorders, which representations were false and misleading since the article was not efficacious for the purposes recommended. It was alleged to be misbranded further in that the representations in the labeling that each and all of the 15 ingredients used in the composition of the product were neither misbranded nor adulterated within the meaning of the pure food and drug act, was false and misleading. It was alleged to be misbranded further in that it was in package form and its label failed to bear a statement of the quantity of contents; and in that its label failed to bear a statement of the active ingredients contained in the preparation.

On June 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

176. Misbranding of Dr. Stover's Golden Oil. U. S. v. Six 2-Ounce Bottles and Six 6-Ounce Bottles of Dr. Stover's Golden Oil. Default decree of condemnation and destruction. (F. D. C. No. 2028. Sample No. 4929-E.)

This product contained a smaller proportion of chloroform than that declared, and its labeling bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On May 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against the above-named quantities of Dr. Stover's Golden Oil at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, by the Planet Products Co. from Orlando, Fla.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil, oil of turpentine, oil of mustard, and chloroform (0.88 minims per fluid ounce) together with a coloring material.

Misbranding was alleged in that the labeling of the article bore representations that it was an anti-pain remedy, would stop pain and colds instantly, that it would be efficacious to rub out all bodily aches, pains, lameness and swelling;

² See also N. J. Nos. 141-143, 150, 155, 160, and 171.

that when used in an atomizer to spray nose and throat it would relieve asthma, hay fever, and sinus trouble quickly and positively and would destroy the germs lodged in the air passages, that by rubbing on the outside and spraying the throat it would stop sore throat at once; that to stop a cold the throat and chest should be rubbed thoroughly with the product to relieve the congestion; that it contained 2 minims of chloroform per ounce; that aching feet and ankles should be rubbed thoroughly with the article; that for lame back it should be rubbed in thoroughly and that 5 drops of oil might be taken on a little sugar 3 times a day; that it should be used as a rub as often as seemed necessary for ordinary aches and pains, lameness or swelling; that it should be rubbed on the chest and throat to relieve the congestion of colds and that when used in a spray, it would destroy the germs of influenza, which representations were false and misleading since the article would not be efficacious for the purposes so recommended.

It was alleged to be misbranded further in that the label did not bear the common or usual name of each active ingredient, including the quantity of chloroform contained therein.

On July 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

177. Misbranding of Domino Brand Antiseptic Rubbing Compound. U. S. v. 3 $\frac{5}{8}$ Gross Packages of Domino Brand Antiseptic Rubbing Compound. Default decree of condemnation and destruction. (F. D. C. No. 2033. Sample No. 15446-E.)

The labeling of this product created the false and misleading impression that it was rubbing alcohol or the equivalent of rubbing alcohol, and failed to bear a statement of the presence and proportion of isopropyl alcohol contained in the product.

On May 31, 1940, the United States attorney for the Western District of Tennessee filed a libel against 3 $\frac{5}{8}$ gross packages of the above-named product at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25, 1940, by the Halitosine Co. from St. Louis, Mo.; and charging that it was misbranded.

The article was alleged to be misbranded in that its labeling bore representations that it was an antiseptic rubbing compound to be used instead of rubbing alcohol; that it was for use for massaging, sponging, and after bath; that it was cooling and refreshing for hospital and home; that the product was not affected by T. D. (Treasury Decision) 4963; and that it contained no SDA (specially denatured) alcohol, which representations created the false and misleading impression that the product was rubbing alcohol or an equivalent of rubbing alcohol. It was alleged to be misbranded further in that its label failed to bear a statement of the presence and proportion of isopropyl alcohol that it contained.

On July 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NOSE DROPS AND INHALERS

178. Misbranding of Hill's Nose Drops. U. S. v. 35 Packages of Hill's Nose Drops. Consent decree of condemnation and destruction. (F. D. C. No. 1744. Sample No. 618-E.)

This product was labeled with false and misleading representations regarding its efficacy in the conditions indicated below, and it occupied less than 24 percent of the capacity of the packages in which it was packed.

On April 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 35 packages of Hill's Nose Drops at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by the Anacin Co. (Wyeth Chemical Co., distributors, Jersey City, N. J.) from Jersey City, N. J.; and charging that it was misbranded.

Misbranding was alleged in that the labeling bore representations that it was efficacious for the quick relief of simple or nasal catarrh and that it would bring prompt relief in cases of tightness in the throat, which were false and misleading since the article was not efficacious for the purposes so recommended.

It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On May 21, 1940, the Wyeth Chemical Co., respondent, having alleged ownership and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.