291. Misbranding of mineral oil. U. S. v. 4 Gross Bottles of Mineral Oil. Default decree of condemnation and destruction. (F. D. C. No. 3345. Sample No. 36240–E.)

This product was light mineral oil. It was represented to be Russian mineral oil, which is heavy mineral oil.

On November 6, 1940, the United States attorney for the District of Massachusetts filed a libel against 4 gross bottles of mineral oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Certified Pharmacal Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Genuine Russian Mineral Oil U. S. P.—Light."

The article was alleged to be misbranded in that the statement "Genuine Russian Mineral Oil" and the Russian emblem appearing on the label were false and misleading since it was not Russian mineral oil, which is heavy, not light, mineral oil.

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

292. Adulteration and misbranding of ether. U. S. v. 15 Packages of Ether. Default decree of condemnation and destruction. (F. D. C. No. 3750. Sample No. 65346–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time 2 of the 10 cans examined were found to contain peroxide.

On February 3, 1941, the United States attorney for the Western District of Texas filed a libel against 15 packages of ether at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, by the Mallinckrodt Chemical Works from St. Louis, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: "Ether for Anesthesia."

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its quality or purity fell below the standard set forth therein.

It was alleged to be misbranded in that the statements on the label, "Fully conforms to all Requirements of U. S. P. XI" and "Is free from Peroxide," were false and misleading since they were incorrect.

On March 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

293. Adulteration and misbranding of ether. U. S. v. 82 Cans of Ether. Default decree of condemnation and destruction. (F. D. C. No. 2601. Sample Nos. 4059–E, 4061–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time peroxide was found in 5 of the 40 cans examined and aldehyde also was found in 1 of the 5 cans.

On or about August 19, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 82 cans of ether at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about July 3, 1940, by E. R. Squibb & Sons from Cleveland, Ohio; and charging that it was adulterated and misbranded. It was labeled in part "Ether for Anesthesia."

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from and its quality and purity fell below the standard set forth therein.

It was alleged to be misbranded in that the statement on the label, "Ether U. S. P.," was false and misleading as applied to an article which contained peroxide and aldehyde.

On November 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

294. Adulteration and misbranding of Endiphrin Inhalant. U. S. v. 24 Bottles of Endiphrin Inhalant. Default decree of condemnation and destruction. (F. D. C. No. 2330. Sample No. 4639–E.)

This product contained only two-thirds of the amount of epinephrine hydrochloride declared on the label.

On July 12, 1940, the United States attorney for the Northern District of Illinois filed a libel against 24 bottles of Endiphrin Inhalant at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about

May 23, 1940, by the Harrower Laboratories, Inc., from Glendale, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely: (Carton) "A 1 per cent solution of epinephrine hydrochloride"; (bottle) "Epinephrine Solution 1:100."

It was alleged to be misbranded in that the above-quoted statements were false and misleading as applied to an article which contained only 0.67 percent (1/150) of epinephrine hydrochloride.

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

295. Adulteration and misbranding of solution of hydrogen peroxide. U. S. v. 23 Dozen Bottles of Hydrogen Peroxide. Default decree of condemnation and destruction. (F. D. C. No. 3535. Sample No. 6988–E.)

This product was labeled as a 3 percent solution of peroxide of hydrogen, but it contained only 1.9 grams, or less, of peroxide of hydrogen per 100 cc. The United States Pharmacopoeia requires that solution of peroxide of hydrogen shall contain at least 2.5 grams of peroxide of hydrogen per 100 cc.

On December 19, 1940, the United States attorney for the District of New Mexico filed a libel against 23 dozen bottles of solution of hydrogen peroxide at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 22, 1940, by the Southwest Products Co. from Lubbock, Tex.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its strength differed from and its quality and purity fell below the standard set forth therein.

It was alleged to be misbranded in that the statements on the label, "Hydrogen Peroxide U. S. P. * * * 3% * * * Active ingredients H_2O_2 3%," were false and misleading since it did not meet the specifications of the United States Pharmacopoeia for hydrogen peroxide and did not contain 3 percent hydrogen peroxide.

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS[2]

SCALP REMEDIES

296. Misbranding of L. B. Hair Oil. U. S. v. 14⅔ Dozen Packages of L. B. Hair Oil. Default decree of condemnation and destruction. (F. D. C. No. 1043. Sample No. 70952–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Furthermore, its package was deceptive since the bottles were pinched down to approximately one-half size in the center, and therefore contained a much smaller volume of material than would be expected from the size of the carton.

On November 22, 1939, the United States attorney for the District of Utah filed a libel against 14⅔ dozen packages of L. B. Hair Oil at Ogden, Utah, alleging that the article had been shipped in interstate commerce in part on or about September 18, 1939, by the L. B. Laboratories, Inc., from Hollywood, Calif., and in part by McKesson & Robbins, Inc., from Los Angeles, Calif. (the latter shipment made on or about August 21, 1939); and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil with small proportions of saponifiable oil and perfume.

It was alleged in the libel that the article was misbranded in that its labeling bore representations that it was a scalp conditioner, that it contained a balanced blend of rich animal oils and toning ingredients which would give life to the hair almost instantly; that it would aid in overcoming baldness, thin, and falling hair; that it contained animal oils of a very penetrating nature; that it was an "oil of life" for the hair; that it had cured baldness in its originator; that it was a blend of animal oils which would provide the vitalizing, nourishing, and restorative elements needed by the scalp to clear out clogging waste matter and dead tissue, and

[2] See also Nos. 278, 282, 283.