311. Misbranding of Dr. Seth Hart's Croup Syrup. U. S. v. 3⅓ Dozen Packages of Dr. Seth Hart's Croup Syrup. Default decree of condemnation and destruction. (F. D. C. No. 2496. Sample No. 27271–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below and failed to comply with certain labeling requirements of the law.

On August 8, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 3⅓ dozen packages of croup syrup at Parkersburg, W. Va., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by the Parker Medicine Co., from Athens, Ohio; and charging that it was misbranded. It was labeled in part: "Dr. Seth Hart's Croup Syrup."

Analysis showed that the article consisted essentially of sugar, water, extracts of plant drugs, and 3 percent of alcohol.

It was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading in that they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: (Carton) "Cough Syrup * * * Remedy for Croup and Whooping Cough"; (bottle) "Croup Syrup * * * Chronic Croup, * * * For Acute Bronchitis, Pleurisy or Inflammation of the Lungs."

It was alleged to be misbranded further in that the label did not bear the name and address of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, nor the common or usual names of the active ingredients.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HABIT-FORMING DRUG NOT BEARING WARNING STATEMENT ON ITS LABEL

312. Misbranding of paregoric. U. S. v. 49 Gallon Bottles of Paregoric. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3453. Sample No. 24554–E.)

This product failed to bear the required statement of the quantity of opium that it contained, together with the statement "Warning—May be habit forming." Moreover, its label failed to bear the name and address of the manufacturer, packer, or distributor.

On December 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 49 gallon bottles of paregoric at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by the Leading Drug Corporation from New York, N. Y.; and charging that it was misbranded for the reasons appearing above.

On February 1, 1941, the Certified Laboratories, Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be correctly relabeled.

DRUG FAILING TO BEAR REQUIRED INGREDIENT STATEMENT[8]

313. Misbranding of Lightning Hot Drops. U. S. v. 37 Dozen Bottles of Lightning Hot Drops. Default decree of condemnation and destruction. (F. D. C. No. 2350. Sample No. 5876–E.)

This product contained smaller proportions of ether, chloroform, and alcohol than those stated on the label.

On July 10, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 37 dozen bottles of Lightning Hot Drops at Paintsville, Ky., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by the Herb Medicine Co. from Springfield, Ohio; and charging that it was misbranded. It was labeled in part: "Each Fluid Ounce contains 48 minims of Chloroform, 48 minims of Ether, Alcohol 60% by volume."

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[8] See also Nos. 297, 298, 301, 307, 311.