Blood, Gout, Kidneys, Bladder, Rheumatism and Run Down Manhood," appearing in its labeling, represented and suggested that it would be efficacious to build health, and would be efficacious in the cure, mitigation, treatment, or prevention of disorders and diseases of the blood, kidneys, and bladder, and gout, rheumatism, and run-down manhood, that is, impaired sexual vigor, and were false and misleading since it would not be efficacious for such purposes.

All three of these products were also alleged to be misbranded further in that they were in package form and did not bear labels containing accurate statements of the quantity of their contents in terms of measure.

On June 17, 1943, the defendant having entered a plea of guilty, the court suspended imposition of sentence and placed the defendant on probation for 5 years, with provision that he should discontinue the sale or the giving away of medicines.

935. Adulteration and misbranding of Domino Brand Antiseptic Rubbing Compound with Isoprophyl Alcohol. U. S. v. 4,495 Dozen and 301 Dozen Bottles of Domino Brand Antiseptic Rubbing Compound with Isoprophyl Alcohol. Consent decree of condemnation. Product and labels ordered destroyed. Empty bottles returned to claimant. (F. D. C. No. 6124, 6216. Sample Nos. 75757–E, 75775–E, 75776–E.)

This product was short-volume and was neither antiseptic nor a rubbing alcohol. In addition, its label failed to bear a statement of the quantity of proportion of isopropyl alcohol present.

On November 1 and 15, 1941, the United States attorney for the District of Massachusetts filed libels at Boston, Mass., against 4,495 dozen bottles of Domino Brand Antiseptic Rubbing Compound with Isoprophyl Alcohol, alleging that the article had been shipped by Halitosine Co., St. Louis, Mo., from on or about September 19 to October 9, 1941, and against 301 dozen bottles of the same product shipped by Frank's Economy Store, Burlington, Vt., from on or about October 7 to 14, 1941.

Examination of samples taken from these consignments showed that the article consisted essentially of water, isopropyl alcohol approximately 9 percent by volume, methyl salicylate, boric acid, and menthol. The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess since it was not antiseptic, as stated in the labeling. It was alleged to be misbranded: (1) In that the statement "1 Pint" appearing on the label was false and misleading as applied to an article that contained less than 1 pint. (2) In that the word "Antiseptic" appearing on the label was false and misleading as the article was not antiseptic. (3) In that the following statements appearing on the label created the false and misleading impression that the article was rubbing alcohol or the equivalent of rubbing alcohol: "Rubbing Compound with Isoprophyl Alcohol * * * Used for Massaging, Sponging, After Bathing, Cooling and Refreshing for Hospital and Home." And (4) in that the label did not bear a statement of the quantity or proportion of isopropyl alcohol present. One lot, 301 dozen bottles, was alleged to be misbranded further in that the label did not bear a statement of the common or usual name of the drug since the word "Hexahydrothymol," borne on the label, is not the common or usual name of the ingredient menthol.

On December 18, 1942, Harry Lepler, trading as Lepler & Company, Boston, Mass., the claimant, having admitted the allegations of the libel, a consolidated decree of condemnation was entered and the court ordered that the contents of the bottles and their labels be destroyed, and the empty bottles be returned to the claimant.

936. Misbranding of aspirin tablets. U. S. v. 28 Dozen Packages of Aspirin Tablets. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 7517. Sample No. 83804–E.)

On May 16, 1942, the United States attorney for the Southern District of Texas filed a libel against 28 dozen packages of aspirin tablets at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 29, 1941, by the Halitosine Co. from St. Louis, Mo.; and charging that it was misbranded in that the statement on the label, "100 Tablets," was false and misleading as applied to an article that was short-count, since the bottles did not contain 100 tables. The article was labeled in part: "Domino 100 Tablets Aspirin USP 5 Grains Each."

On July 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to a charitable institution.