of B-D-Mint Powders, at Pulaski, Va., alleging that the article had been shipped in interstate commerce by South Bluefield Pharmacy, Inc., from Bluefield, W. Va., on or about October 25, 1940; and charging that it was adulterated and misbranded. The article was labeled in part: "Prepared By B. D. Medicine Co., Pulaski, Va."

Analysis showed that the powders each contained approximately 3.83 grains of acetophenetidin, 2.23 grains of acetanilid, 1.5 grains of citrated caffeine, and 3.6 grains of sodium bicarbonate, together with milk sugar and sweetened with saccharin and flavored with peppermint oil.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, since the envelope was labeled, "Not Over 2½ Grains Each Acetanilid Acetophenetidin"; whereas each powder contained materially more than 2½ grains of acetophenetidin.

It was alleged to be misbranded in that the statements on the display card, "No Harmful Ingredients," "Safe," "No After Effect," and the designation "B–D–Mint" were false and misleading since it contained potentially harmful ingredients, was not free from danger, might cause serious aftereffects, and the principal active ingredients were not derived from mint.

It was alleged to be misbranded further in that the statements, (envelope) "Quick Relief For the Pain and Discomfort Arising From Simple Headache Neuralgia Muscular Aches and Pains Head Colds and as Nerve Sedative," "For * * * Female Pains, Muscular Aches and Pains, Simple Head Colds, for Reducing Fever, as Nerve Sedative," and (display card) "Quick Relief For the Pain and Discomfort Arising from Simple Headache Neuralgia Rheumatism Earache Toothache," "Headache Head Colds * * * Neuralgia Nerve Sedative * * * Muscular Aches and Pains," were false and misleading since it was not an adequate treatment for the various conditions mentioned and because of failure of the label to reveal the material fact that its use in such conditions might cause ill effects.

It was alleged to be misbranded further in that the statement in the labeling, "Prepared by B. D. Medicine Co., Pulaski, Va.," was false and misleading since it was prepared by South Bluefield Pharmacy, Inc., Bluefield, W. Va. It was alleged to be misbranded further in that its label failed to bear the common or usual name of each of the active ingredients together with the statements of the quantity or proportion of acetanilid and acetophenetidin since the statement on the label, "Not Over 2½ Grains Each Acetanilid Acetophenetidin," was not such a statement and was not true in fact.

It was alleged to be misbranded further in that the package failed to bear a statement of the quantity of the contents; and in that its labeling failed to bear adequate directions for use since the directions appearing on the envelope, "Take one powder * * * may repeat in one hour if not relieved. After second dose, not oftener than every 2 or 3 hours. If not relieved, after four or five doses consult your doctor. Children over 8 years old: One-fourth powder. May repeat in 2 or 3 hours," were not suitable and appropriate directions for the use of the article.

It was alleged to be misbranded further in that the labeling failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; and in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, and suggested in the labeling.

On May 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

430. Misbranding of Bromo-Thein. U. S. v. 48 Bottles of Bromo-Thein. Default decree of condemnation and destruction. (F. D. C. No. 3943. Sample No. 31586–E.)

This product consisted essentially of acetanilid, bromides (such as sodium bromide and potassium bromide), aspirin, caffeine, sodium bicarbonate, citric acid, and tartaric acid. It would be dangerous to health when used as recommended and its labeling failed to reveal the consequences which might result from its use and failed in other respects as indicated hereinafter to comply with the labeling requirements of the law.

On March 10, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 48 bottles of Bromo-Thein at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about

February 8, 1941, by Lockwood Laboratories from Hammond, Ind.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement of active ingredients, the directions for use, and the warning appearing upon the label were not prominently placed thereon with such conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the statement "Chester A. Lockwood" diagonally written across these statements tended to obscure them.

It was alleged to be misbranded further in that the label failed to bear adequate directions for use, since they did not provide for a limit as to duration or frequency of administration.

It was alleged to be misbranded further in that the label failed to bear adequate warnings against use in those pathological conditions where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration, in such manner and form, as were necessary for the protection of users, since there was no warning that the frequent or continued use of acetanilid might be dangerous, causing serious blood disturbances, anemia, collapse, or a dependence on the drug, and that frequent or continued use of bromides might lead to mental derangement, skin eruptions, or other serious effects. (The preparation, when taken according to directions, would permit the administration of 6.84 grains of acetanilid daily.)

The article was alleged to be misbranded further in that it was dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof, namely: "Dose: a heaping teaspoonful in half glass of water; if not relieved repeat after interval of four hours, not to exceed three doses in twenty-four hours."

On April 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

431. Misbranding of Casey's Compound. U. S. v. 329 Bottles of Casey's Compound. Default decree of condemnation and destruction. (F. D. C. No. 4004. Sample No. 60029-E.)

On March 29, 1941, the United States attorney for the District of Oregon filed a libel against the above-named product at Portland, Oreg., alleging that it had been shipped on or about February 12, 1941, by the Geo. E. Madison Co. from San Francisco, Calif.; and charging that it was misbranded.

Analysis of a sample of the article showed that it contained potassium iodide (19.8 grains per fluid ounce) in a flavored syrup.

The article was alleged to be misbranded: (1) In that it would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling. (2) In that the label failed to bear adequate directions for use since the directions (bottle and carton) "One-half teaspoonful in half a glass of water, one hour after each meal for four days; then gradually increase to one full teaspoonful over 4 days time and continue the dose of one teaspoonful. This is the usual dose but may be increased to double the amount," were not adequate. (3) In that its labeling failed to bear adequate warnings against use where its use might be dangerous to health or against unsafe dosage or duration of administration in such manner and form as are necessary for the protection of users. (4) In that statements in a leaflet entitled "Casey's Compound," supplied in response to a request by postcard enclosed in the retail package, representing that it would be efficacious for the relief of arthritis, neuritis, rheumatism, and sciatica; and that its use would make the purchaser's general health much better, and enable him to enjoy a good night's rest, were false and misleading since it would not be efficacious for such purposes.

On June 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

432. Misbranding of Cold Special No. 2 Red. U. S. v. 1 Bottle and 18 Bottles of Cold Special Capsules (and 2 other seizures of Cold Special Capsules). Default decrees of condemnation and destruction. (F. D. C. Nos. 3873 to 3875, incl. Sample No. 50059-E.)

On February 26, 1941, the United States attorney for the District of Columbia filed libels against 1 bottle containing 2,800 Cold Special Capsules, 1 bottle containing 25 capsules, and 65 bottles containing 12 capsules at Washington, D. C., alleging that they were being offered for sale in the District of Columbia—1 large bottle and 18 small bottles at Albany Pharmacy, 1 large bottle