

adequate treatment for sore throat; that it would act as a blood coagulant forming a protective film over wounds; and that it was an adequate treatment for painful erupting teeth and for painful conditions or severe swelling after extraction of teeth, were false and misleading since it would not be efficacious for such purposes, except that it might act as a blood coagulant and form a protective film over wounds of a minor character. (2) In that the following statements, (carton, bottle label, and circular) "Concentrated antiseptic in undiluted state. Astringent, Deodorant, Mouth Wash, Gum Massage and Gargle," (carton and bottle) "Directions: As a mouth wash or gargle use about a teaspoonful to glass of water or enough to give you a tingling feeling on tongue," and (circular) "Wash: as a mouth wash for daily use, use about a teaspoonful to a glass of water (you may use cap on bottle, which holds a teaspoonful) or use according to your taste, but enough to give your tongue a tingling feeling. \* \* \* Gargle: For a sore throat, a teaspoonful to a glass of hot water every two hours \* \* \* The contents of this 3 oz. bottle make a gallon and one-half of mouth wash when diluted," were false and misleading particularly in the absence of a statement in the labeling that it would not be antiseptic when used in some of the dilutions recommended, namely, "about a teaspoonful to a glass of water," and "The contents of this 3 oz. bottle makes a gallon and one-half of mouth wash when diluted," an omission material in the light of the prominent display of the words "Concentrated Antiseptic In Undiluted State. Astringent, Deodorant, Mouth Wash, Gum Massage and Gargle" on the carton, bottle label, and circular.

On February 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**739. Misbranding of Na-Stim. U. S. v. 6 Dozen Packages of Na-Stim A Nasal Stimulant. Default decree of condemnation and destruction. (F. D. C. No. 6895. Sample No. 72559-E.)**

On February 21, 1942, the United States attorney for the District of Arizona filed a libel against 6 dozen packages of Na-Stim at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about November 24, 1941, by the Na-Stim Laboratories, Inc., from Modesto, Calif.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water, a gum, and fatty material; but failed to reveal the presence of menthol, oil of pine, or turpentine.

The article was alleged to be misbranded: (1) In that the statement on the tube labels "Contains \* \* \* Menthol, Venice Turpentine, Oil of Pine, Iodine," was false and misleading since it contained no detectable amount of menthol, Venice turpentine, oil of pine, or free iodine, and contained merely a trace of combined iodine. (2) In that statements in the labeling which represented that it would be efficacious for the relief from symptoms of hay fever, sinus, head colds, and nasal disorders, and that it constituted an adequate treatment for such conditions, were false and misleading since it would not be efficacious for such purposes and was not an adequate treatment for such conditions.

On April 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**740. Misbranding of Omega Oil and Kotalko. U. S. v. 59½ Dozen Bottles of Omega Oil and 34 Packages of Kotalko. Default decrees of condemnation and destruction. (F. D. C. Nos. 6764, 7830. Sample Nos. 89107-E, 89880-E.)**

The labeling of both products bore false and misleading therapeutic claims. The Kotalko ointment failed to bear the common or usual name of each of its active ingredients on the label, and the box in which it was packed occupied less than one-third of the capacity of the carton.

On February 10 and June 30, 1942, the United States attorney for the Southern District of New York filed libels against the above-named articles at New York, N. Y., alleging that they had been shipped in interstate commerce on or about December 22, 1941, and May 11 and June 2, 1942, by Block Drug Co., Inc., from Jersey City, N. J.; and charging that they were misbranded.

Analyses of samples of the articles showed that Omega Oil consisted essentially of chloroform, methyl salicylate, mineral oil, and a small quantity of alkaloidal material such as hyoscyamus; and that the Kotalko consisted essentially of sulfur, pilocarpine, resorcinol, and a camphoraceous oil in an ointment base.

The Omega Oil was alleged to be misbranded in that statements in the labeling which represented that it differed from ordinary liniments, that it was "far more than just liniment," that it was a powerful and reliable answer to dozens of everyday ills; that at the point of application it would soothe and ease the local nerves, stimulate the circulation, break up congestion

and thus quickly and directly relieve pain and its congestive cause; that it would relieve rheumatic pains due to exposure, dampness, and cold; that it would be helpful in the treatment of bruises, would help relieve suffering from varicose veins, would bring quick relief of athlete's foot, and toe itch, would relieve chest and throat colds, and tightness and congestion in throat and chest muscles, were false and misleading since it was a counter-irritant liniment and did not possess the properties claimed for it.

Kotalko was alleged to be misbranded: (1) In that representations in the labeling that it would discourage excessive loss of, and strengthen existing growth of, hair and aid in promoting new growth; and that it would be efficacious in the treatment of dandruff, thin, brittle or falling hair, and baldness, were false and misleading since it would not be efficacious for such purposes. (2) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each of the active ingredients. (3) In that its container was so filled as to be misleading since the retail carton was materially larger than necessary to hold the contents.

On April 20 and July 29, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**741. Misbranding of Optic Drop. U. S. v. 20 Bottles of Optic Drop. Default decree of condemnation and destruction. (F. D. C. No. 3828. Sample No. 6978-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The volume of the carton was more than 5 times the volume of the bottle and certain mandatory labeling requirements of the law were not complied with.

On February 19, 1941, the United States attorney for the District of New Mexico filed a libel against 20 bottles of Optic Drop at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by the Romero Drug Co. from El Paso, Tex.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of a water solution of zinc sulfate, chlorobutanol, a berberine salt, boric acid, and/or a borate.

It was alleged to be misbranded: (1) In that the statement "For Irritated Eyes" and the Spanish translation of the same statement "Para Ojos irritados," appearing in the labeling, were false and misleading, since it was not an adequate or appropriate treatment for all irritations of the eyes. (2) In that the following statements (in Spanish) in the labeling were false and misleading, since it would not fulfill the promise of benefit stated and implied thereby: (Translation from Spanish) "It is well known that the eyes are constantly exposed to the bright and burning light of the sun, the electric lamp and reflections of the earth; nor do they fail to collect sand, dust and other small particles which imperceptibly float through the air and which greatly affect the vision, causing a certain sensation of itching and even reddening of the eyes. This occurs chiefly in those who work in shops, trains, factories or any other places of movement and commotion. Now then, in order to constantly protect the sight at such times, one should always have on hand a bottle of Gota Optica, an admirable, scientifically prepared lotion for the eyes which not only soothes, refreshes and cleanses the eyes and eyelids but alleviates the irritation, removing the foreign substances which may have lodged in them. This is why the Gota Optica has been and is now highly recommended by all the most celebrated opticians." (3) In that the label failed to bear the common or usual name of each active ingredient, since of the ingredients only chlorobutanol was mentioned on the label and carton; (4) In that the carton failed to bear a declaration of the quantity of contents of the package. (5) In that its container was so made, formed, and filled as to be misleading.

On April 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**742. Misbranding of Utona. U. S. v. 102 Packages of Utona. Default decree of condemnation and destruction. (F. D. C. No. 7006. Sample No. 23117-E.)**

On March 11, 1942, the United States attorney for the Northern District of California filed a libel against 102 packages of Utona at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 18 and December 2, 1941, and January 12, 1942, by the National Utona Co. from Detroit, Mich., and charging that it was misbranded.