(1) in that statements in the labeling which represented and suggested that it would be efficacious in the treatment of acute and mild chronic infections of the nose, that it would cause a depletion of the swollen mucous membrane, would promote drainage and greatly improve ventilation, would be efficacious to promote healing and would gradually diminish excess discharge, whether due to acute coryza or chronic nasal infection and whether the discharge was purulent or mucopurulent in quality, and would be equally efficient or effective whether dealing with repulsive scab formation or ozena or persistent postnasal drip, were false and misleading since it would not be efficacious for such purposes; (2) in that the following statement in the labeling, "Bacteriological tests have shown that Purpoil No. 22 and Purpoil No. 600 have bacteria destroying properties which are equivalent to phenol in the same strength and in the same type of oil," was false and misleading since it failed to reveal the material fact that phenol in the same strength and in the same type of oil possesses no bacteria-destroying properties. The Purpoil No. 600 was alleged to be misbranded further in that the statement "Used in the treatment of chronic suppurative infections of the nose" was false and misleading since it would not be efficacious in the treatment of suppurative infections of the nose.

The Aurofectol was alleged to be adulterated in that its strength differed from that which it was represented to possess since it was not an antiseptic as represented in its labeling. It was alleged to be misbranded in that certain statements in the labeling which represented that it would be efficacious in the treatment of dermatitis, eczema, and acute catarrhal inflammation of the tympanic membrane; would be efficacious in the treatment of acute and chronic infections of the external auditory canal and acute myringitis and acute catarrhal otitis media; that it was an effective parasiticide and antiseptic in skin diseases; that it would produce desired results in external auditory canal infections; that it would be efficacious in the treatment of infections of the skin of the external auditory canal were false and misleading since it would not be efficacious for such purposes.

On June 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

760. Misbranding of Fermlax. U. S. v. 61 Packages of Fermlax. Default decree of condemnation and destruction. (F. D. C. No. 7450. Sample No. 70672–E.)

On May 5, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 61 packages of Fermlax at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce on or about March 11, 1942, by Moon-Winn Drug Co., Inc., from Athens, Ga.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of sodium bicarbonate, magnesium carbonate, calcium carbonate, bismuth subnitrate, and rhubarb.

The article was alleged to be misbranded: (1) In that the directions on the label, "Adult dose—Teaspoonful in a full glass of water three times a day after meals. Children in proportion to age," provided for continuous administration, whereas it was a laxative and should not be used continuously, and they also failed to indicate the dosage for children of different ages. (2) In that the labeling failed to warn that a laxative should not be used in case of nausea, vomiting, abdominal pain, or other symptoms of appendicitis; and that frequent or continued use of a laxative might result in dependence upon a laxative to move the bowels. (3) In that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On June 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

761. Misbranding of laxative cold tablets and Rx S368230 Pills. Adulteration and misbranding of epinephrine tablets for hypodermic use. U. S. v. 84 Bottles of Laxative Cold Tablets, 14,800 Rx S368230 Pills, and 2,045 Tubes and 6,040 Packages of Hypodermic Tablets. Default decrees ordering destruction of laxative cold tablets, pills, and portion of hypodermic tablets. Consent decree of condemnation ordering portion of hypodermic tablets released under bond to be brought into compliance with the law. (F. D. C. Nos. 7324, 7480, 8271, 8331. Sample Nos. 76829–E, 91224–E, 91225–E, 4959–F, 5078–F.)

The labeling of the laxative cold tablets and of the Rx S368230 Pills (a portion of which had been repackaged and labeled in part, "Gloria Laxative Pills * * * Prepared for John A. Smith Co., Oconomowoc, Wis.") failed to bear adequate directions and warning statements, that of the pills also failed