

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess.

It was also misbranded in that the statements with respect to the mineral content were false and misleading, since the statements were incorrect. It was further misbranded since statements made in the labeling representing and suggesting that the product was efficacious as a dietary supplement, as a body builder, as a tonic, and to correct disorders arising from dietary deficiencies, were false and misleading. The product was also recommended in the labeling as efficacious in the treatment of arthritis, rheumatism, neuritis, influenza, and phlebitis, and was represented as a combination of inorganic minerals in their most assimilable form, which would supply the minerals necessary to normal nutrition in the most desirable amounts. In fact, the article was not efficacious for the purposes recommended and was not a combination of inorganic minerals in their most assimilable form, which would supply the minerals necessary to normal nutrition in the most desirable amounts.

On October 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

926. Adulteration of Mennen Antiseptic Oil. U. S. v. 38 Packages of Mennen Antiseptic Oil. Default decree of condemnation. Product ordered delivered to New York City Salvage Committee. (F. D. C. No. 8250. Sample No. 16841-F.)

On August 27, 1942, the United States attorney for the Southern District of New York filed a libel against 38 packages of Mennen Antiseptic Oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 16, 1942, by the Mennen Co., from Newark, N. J.

Bacteriological examination showed that the article was neither germicidal nor self-sterilizing. Chemical examination showed that it consisted of a yellow, perfumed, saponifiable oil containing small amounts of hydroxyquinoline, chlorobutanol, hydroquinone, and benzoic acid. The article was alleged to be adulterated in that its strength differed from that which it was represented to possess in the labeling, "Germicidal * * * Self Sterilizing."

It was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since the article was not a germicide, was not self-sterilizing, and was not efficacious for the symptoms and conditions mentioned: "* * * Germicidal * * * Self-Sterilizing * * * It is so medicated as to make the oil * * * germicidal * * * self-sterilizing. * * * It has equal antiseptic and germicidal powers to the commonly used ammoniated mercury ointments. * * * The oil is self-sterilizing, and autoclaving is not necessary. * * * It helps kill and prevent the growth of pyogenic organisms as long as it is in contact with the skin. * * * It helps maintain and conserve vital body temperature. It helps sterilize * * * the diaper area. * * * Meets the widespread demand of hospitals, physicians, nurses and mothers * * * germicidal * * * and self-sterilizing oil * * * offers protection against infection * * * Mennen Antiseptic Oil aids in keeping the skin of the babies free from pyogenic organisms. * * * quickly relieves * * * aggravated skin conditions. Prescribed where * * * germicidal oil dressing is required."

It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of chlorobutanol, a chloroform derivative, contained therein.

On October 1, 1942, no claimant having appeared, judgment of condemnation was entered and the court ordered the marshal to deliver the article to the New York City Salvage Committee for national defense and salvage purposes.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS ²²

DRUGS FOR HUMAN USE

927. Action to restrain and enjoin interstate shipment of Dolphin's Natural Barks. U. S. v. Byron J. Dolphin (Dolphin's Natural Barks). Tried to the court and jury. Verdict in favor of the Government. Permanent injunction granted. (Inj. No. 44.)

On December 5, 1942, the United States attorney for the Western District of Washington filed a complaint against Byron J. Dolphin, doing business as Dolphin's Natural Barks at Seattle, Wash., alleging that the defendant for many years past had been engaged in the sale and distribution of an article of drug

²² See also Nos. 901-903, incl., 905-914, incl., 917-922, incl., 924-926, incl.