

1904. **Adulteration and misbranding of Eczema Ointment and misbranding of Fel Bovina, Calendusyl, Guaiacol Tonic, and Needham's Red Clover Compound.** U. S. v. Benjamin L. Eicher (Stearns & White Co., and D. Needham's Sons). Plea of guilty. Fine, \$600. (F. D. C. No. 16562. Sample Nos. 59930-F, 78428-F, 78431-F, 78436-F, 79079-F.)

INFORMATION FILED: January 10, 1946, Northern District of Illinois, against Benjamin L. Eicher, trading under the firm names of the Stearns & White Co. and D. Needham's Sons, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of May 23 and August 8, 1944, from the State of Illinois into the States of Wisconsin, Indiana, and Michigan.

PRODUCT: Analyses of samples of the articles showed the following results: The *Fel Bovina* consisted essentially of ox bile, glycerin, alcohol, and water; the *Calendusyl* consisted essentially of small proportions of salicylic acid, resorcinol, and hydrastin hydrochloride, extracts of plant drugs, including calendula, a soluble bismuth salt, glycerin, alcohol, and water; the *Eczema Ointment* contained not more than 7.73 percent of ammoniated mercury and not more than 8.06 percent of zinc oxide; the *Guaiacol Tonic* consisted essentially of small proportions of guaiacol, the hypophosphites of quinine, strychnine, iron, manganese, calcium, and potassium, glycerin, sugar, alcohol, and water; and the *Red Clover Compound* consisted essentially of extracts of plant drugs, including a laxative drug, sugar, alcohol, and water.

NATURE OF CHARGE: *Fel Bovina*. Misbranding, Section 502 (a), the label statement, "Auto-Toxemia, Intestinal Putrefaction, Sluggish Liver," was false and misleading since the article would not be efficacious in the cure, mitigation, treatment, and prevention of autotoxemia, intestinal putrefaction, and sluggish liver.

Calendusyl. Misbranding, Section 502 (a), the label statements, "Internally, in Fermentative Dyspepsia, Pyrosis, Nausea and other forms of imperfect digestion. * * * applicable to the Eye, Ear, Nose, Throat, Urethra, Vagina, Bladder and Pyogenic conditions. * * * in treatment of Ulcers, Fistula, Catarrh, Tonsillitis, etc. * * * in diseases of the Vagina. In Gonorrhoea, Gleet, non-specific Urethritis and Catarrhal Inflammation and discharges generally," were false and misleading since the article would not be an adequate treatment for fermentative dyspepsia, pyrosis, nausea, and other forms of imperfect digestion; it would not be an adequate treatment for pyogenic conditions and for disease conditions of the eye, ear, nose, throat, urethra, vagina, and bladder; it would not be efficacious in the treatment of ulcers, fistula, catarrh, and tonsillitis; and it would not be efficacious in the cure, mitigation, treatment, and prevention of diseases of the vagina, gonorrhoea, gleet, non-specific urethritis, catarrhal inflammation, and discharges generally.

Eczema Ointment. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, since it was represented to contain 10 percent of ammoniated mercury and 10 percent of zinc oxide, whereas it contained not more than 8.73 percent of ammoniated mercury and not more than 7.87 percent of zinc oxide. Misbranding, Section 502 (a), the label statement, "Ammoniated Mercury—10 per cent Oxide of Zinc—10 per cent," was false and misleading; and the label statement, "Eczema Ointment * * * in the treatment of Acne, Eczema and all eruptions of the skin," was false and misleading since the article would not be efficacious in the treatment of acne, eczema, and all eruptions of the skin.

Guaiacol Tonic. Misbranding, Section 502 (a), the label statements, "Reconstructive, Tonic, * * * Bronchial affections, reconstructive following pneumonia, acute and chronic coughs and cold, phthisis, etc., and as an antiseptic in gastric disturbances," were false and misleading since the article was not a reconstructive nor a tonic; it would not be an adequate treatment for bronchial affections, acute and chronic coughs and cold, and phthisis; it would not be a reconstructive following pneumonia; and it would not be an antiseptic in gastric disturbances.

Needham's Red Clover Compound. Misbranding, Section 502 (a), the label statements, "We recommend the Compound as an excellent tonic for a run-down system, also for relief of many stomach, bowel and kidney ailments. An excellent tonic for women * * * For chronic constipation," were false and misleading since the article was not an excellent tonic for a run-down system; it would not be efficacious in the cure, mitigation, and treatment of chronic constipation and many stomach, bowel, and kidney ailments; and it was not an excellent tonic for women. Further misbranding, Section 502 (b)

(2), the bottles containing the article bore no labels containing a statement of the quantity of the contents; Section 502 (f) (1), the directions on the bottle labels, "1 table-spoonful three times a day," were inadequate since they provided for taking the article three times each day, whereas the article was a laxative and should be taken only occasionally and as needed; and, Section 502 (f) (2), the labeling of the article failed to bear a warning that it should not be used in the presence of abdominal pain, nausea, vomiting, or other symptoms of appendicitis; and its label also failed to warn that frequent and continued use of the article might lead to a dependence on laxatives to move the bowels.

DISPOSITION: May 3, 1946. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the 6 counts of the information.

1905. Misbranding of B-I-F Combination. U. S. v. 54 Cartons of B-I-F Combination. Default decree of condemnation and destruction. (F. D. C. No. 19940. Sample No. 3703-H.)

LABEL FILED: May 27, 1946, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about January 26, 1946, by W. C. Hughes & Co., Inc., from Baltimore, Md.

PRODUCT: 54 cartons, each containing 2 bottles, of *B-I-F Combination* at Richmond, Va. One of the bottles contained *B-I-F Emulsion* and the other bottle contained *B-I-F Injection*. Examination showed that the *Emulsion* consisted essentially of balsam of copaiba, oil of cassia, sugar, glycerin, water, a gum, and a potassium compound; and that the *Injection* consisted essentially of zinc acetate, glycerin, a small proportion of carbolic acid, and water, colored with caramel.

LABEL, IN PART: (Carton) "B-I-F Combination Emulsion contains: Balsam Copaiba Oil Cassia, U. S. P. Potassium Hydroxide U. S. P. Powdered Acacia, U. S. P. Sugar Glycerin, U. S. P. Injection contains: Zinc Acetate U. S. P. Carbolic Acid U. S. P. Glycerin U. S. P. Caramel"; (both bottles) "Purchasers wishing to avoid attention in the use of this article, are advised to place the bottle in water a few moments after which this label can readily be removed."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements in the labeling of the article were false and misleading since they represented and suggested that the article, when taken as directed, would be effective in the treatment of gonorrhoea, whereas it would not be effective for such purpose; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: June 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1906. Misbranding of Thunderbird Laxative Botanical Tablets. U. S. v. 380 Boxes, 360 Boxes, and 1 Bulk Container of Thunderbird Laxative Botanical Tablets. Default decrees of condemnation and destruction. (F. D. C. Nos. 19699, 20770. Sample Nos. 35457-H, 40458-H.)

LABELS FILED: April 22 and August 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of April 9 and August 11, 1946, from Columbus, Ohio.

PRODUCT: 740 boxes, each containing 30 tablets, and 1 bulk container containing 3,600 tablets known as *Thunderbird Laxative Botanical Tablets* at St. Louis and Salem, Mo., in the possession of Mrs. Ray C. Herbers (Madaline E. Ragan), the packer of the product.

LABEL, IN PART. (Boxes and bulk container) "Laxative Botanical Tablets," and "Active Ingredients: Cascara Bark, Aloin, Mandrake, Rhubarb, Aloes, Lep-tandrin, Oleoresin, Capsicum. Inactive Ingredients: Calcium Carbonate, Sugar"; (box only) "Thunderbird Laxative Botanical Tablets," and "Prepared * * * for Madaline E. Ragan * * * Centerton, Indiana."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in stomach ulcers, high and low blood pressure, kidney, liver, and stomach troubles, rheumatism, female trouble, lost manhood, and disease contracted in youth, and also for putting lining on the stomach, causing piles to recede, and for neutralizing and eliminating uric acid, which were the conditions for which the article was recommended and suggested in its advertising disseminated at St. Louis, Mo., and sponsored by and on behalf of its packer; it also failed to bear adequate directions