

16252. Misbranding of Day's asthma powder. U. S. v. 2 Dozen Packages of Day's Asthma Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23462. I. S. No. 02674. S. No. 1675.)

On February 25, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 dozen packages of Day's asthma powder, remaining in the original unbroken packages at Rochester, N. Y., alleging that the article had been shipped by Wm. D. Day & Co., Lawrenceville, Pa., November 27, 1928, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powder consisted essentially of a mixture of stramonium leaves and potassium nitrate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent: (Label on can) "Asthma Powder for Asthma, Catarrh, Hay Fever, Croup, Influenza * * * for Asthma, Diphtheria Croup * * * Burn small quantity, inhaling the fumes into the lungs. During attacks use half-hourly, between attacks use three times daily at least * * *. For Catarrh, Hay Fever, and Influenza burn in the same manner, inhaling the fumes through the nostrils * * * in all cases the greatest benefit will be secured by administering the remedy under a blanket thrown over the head."

On April 9, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16253. Misbranding of Taylor's laxative cold tablets. U. S. v. 16 Dozen Packages of Taylor's Laxative Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23466. I. S. No. 02676. S. No. 1676.)

On February 25, 1929, the United States attorney for the Western District of New York, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 dozen packages of Taylor's laxative cold tablets, remaining in the original unbroken packages at Fairport, N. Y., alleging that the article had been shipped by C. E. Jamieson & Co., Detroit, Mich., October 8, 1928, and transported from the State of Michigan into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, 0.91 grain per tablet, total alkaloids (chiefly as cinchonine salicylate, 0.1 grain per tablet), camphor, capsicum, and extracts of laxative plant drugs.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent: (Carton) "For LaGrippe;" (circular) "For the relief of LaGrippe, Coughs, and Neuralgia * * * one feels depressed, experiences pains or aches in various parts of the body, an annoying discharge from the nose, a stuffy head, the voice may become affected, the throat dry or sore, and a persistent cough * * *. Laxative Cold Tablets are prepared for the relief of * * * LaGrippe and should give prompt relief. It stimulates the general secretions, opens the pores of the skin, works on the liver."

On April 9, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16254. Misbranding of Laxa-Pirin. U. S. v. 4 Gross of Laxa-Pirin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23457. I. S. No. 02730. S. No. 1591.)

On February 25, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 gross of Laxa-Pirin, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Hoosier Remedy Co., Indianapolis, Ind., January 21, 1929, and transported from

the State of Indiana into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of acetphenetidin (0.92 grain per tablet), acetylsalicylic acid (1.92 grains per tablet), a small amount of caffeine, a trace of aconite alkaloids, and extracts of laxative plant drugs.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (small carton) "For Grippe * * * Laxa-Pirin * * * designed to relieve * * * all * * * aches and pains, and the feverish condition. Cough * * * accompanying Grippe * * *. The second or third dose should give ease by lessening abnormal nervous tension * * *. For * * * LaGrippe. Adults, two tablets every two hours until three or four doses have been taken; then one or two tablets every four or five hours until relieved. * * * For * * * Grippe,"¹ (display carton) "For * * * Grippe * * * Neuralgia, Lumbago, and General Pains," (wholesale carton) "For * * * LaGrippe * * * and all General Aches and Pains," (circular) "For Relief of * * * Pain, Fever * * * to * * * overcome * * * grippe, and relieve all general aches and pains, such as neuralgia * * *. Relieves Pain. Many painful ailments, such as sinus or catarrhal pains and chronic headaches, are due to infection, toxic absorption, and other serious causes which may require special treatment. We do not claim that Laxa-Pirin overcomes infection or corrects diseased conditions which may be the real cause of the pain. But we do recommend Laxa-Pirin for relieving the pain itself. Take, for instance, neuralgia, lumbago, or muscular rheumatism due to exposure * * * Laxa-Pirin gives blessed relief from this pain, and allows you to live in comfort * * *. For * * * menstrual pains and the general aches and pains of life * * * Laxa-Pirin should always be * * * ready for use. It tends to relax nerve tension and strain and relieves pain * * *. There's no telling when you may * * * have a * * * touch of neuralgia * * *. Grippe * * * Take 1 to 2 tablets every 4 hours until relieved * * *. Neuralgia * * * Lumbago, General Aches and Pains: * * * For more serious, persistent pains, such as neuralgia, take 2 tablets every hour until 3 doses have been taken, or until relief appears * * *," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On April 9, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16255. Misbranding of Rising Mist salve. U. S. v. 14½ Dozen Packages of Rising Mist Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23494. I. S. No. 07907. S. No. 1716.)

On March 6, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14½ dozen packages of Rising Mist salve, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Wynn's Rising Mist Co., Elmira, N. Y., alleging that the article had been shipped from Elmira, N. Y., on or about January 21, 1929, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, containing small amounts of menthol, camphor, methyl salicylate, and oil of eucalyptus.

¹This wording is not accurate. The following is the actual wording on the labeling of the package involved in the action: "For * * * Grippe * * * Neuralgia, and General Pains * * *. Grippe:—Adults, 2 tablets with full glass water every 2 hours until 4 doses are taken * * * then 1 or 2 tablets every 4 hours until relieved * * *. Neuralgia, Lumbago, General Pains * * *. For * * * Grippe * * * Neuralgia, Lumbago, Pains."