

at Denver, Colo., consigned by the Nose-Ions Co., Brooklyn, N. Y., alleging that the article had been shipped from Brooklyn, N. Y., May 22, 1929, and transported from the State of New York into the State of Colorado, and charging adulteration and 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 quinine sulphate, salicylic acid, camphor, and eucalyptol. Bacteriological examination showed that it was neither antiseptic nor germicidal.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (circular) "Antiseptic and Germicide," whereas the strength of the said article fell below such professed standard.

Misbranding was alleged for the reason that the following statement on the circular accompanying the article was false and misleading: "Antiseptic and Germicide." Misbranding was alleged for the further reason that the following statements appearing on the shipping case, retail carton, and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping case) "Nose-Ions for Catarrh;" (retail carton) "Indications: Catarrh, Grippe * * * Bronchitis, Hay Fever, Rhinitis, etc.;" (circular) "Grippe, Influenza, Hay Fever, Rhinitis, Pharyngitis, Laryngitis, Bronchitis, Measles, Scarlet Fever, Coughs, etc. * * * A remedy for Grip, Rhinitis, Pharyngitis, Laryngitis, Bronchitis and to prevent complications of the respiratory tract in Measles, Scarlet Fever, etc."

On December 14, 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.*

17055. Misbranding of Oxidine and tasteless Oxidine. U. S. v. 78 5/12 Dozen Bottles of Oxidine, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24077. I. S. Nos. 010453, 010480. S. No. 2225.)

Examination of samples of drug products known as "Oxidine" and "Tasteless Oxidine," by this department, showed that the labels bore claims of their curative properties in certain ailments for which cinchona alkaloids are customarily prescribed, and that the products contained insufficient cinchona alkaloids to cure such ailments when taken in the doses and for the period of time indicated in the directions on the bottle. The labels also bore further curative and therapeutic claims for their effectiveness that were not justified by the composition of the articles.

On September 20, 1929, the United States attorney for the Eastern District of Louisiana, 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 78½ dozen bottles of Oxidine, and 4⅝ dozen bottles of tasteless Oxidine, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by W. S. Kirby, Dallas, Tex., in part on or about June 8, 1929, and in part on or about July 24, 1929, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that the Oxidine consisted essentially of quinine sulphate (2.54 grains per fluid ounce), cinchonine sulphate (2.83 grains per fluid ounce), extracts of a laxative plant drug, glycerin, sugar, alcohol, and water; and the tasteless Oxidine consisted essentially of cinchonidine sulphate, oil of peppermint, sugar, alcohol, and water.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the therapeutic or curative effects of the said articles, borne on the labels, were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Oxidine, shipping carton) "An Antidote for All Malarial Diseases;" (Oxidine, retail carton) "An Antidote for Malaria. A Food Digester * * * Blood Medicine. An Effective Remedy for Chills and Fevers, A Mild Liver and Kidney Medicine * * * Relieves * * * LaGrippe. The Life is in

the Blood. To have health the blood must be pure. Malaria poisons the blood and deters the action of the liver. Oxidine is Effective in purifying the blood, regulating the liver, and cleansing your system of malaria, the great cause of sickness. * * * [testimonials] * * * Oxidine has relieved me and my family of the worst siege of chills and malaria that I ever saw. * * * Oxidine is not only the quickest, safest and surest remedy for Chills and Fever, but a most dependable tonic in all malarial diseases. A liver tonic, a kidney tonic, a stomach tonic, a bowel tonic. If a system-cleansing tonic is needed, just try Oxidine * * * The specific for Malaria, Chills and Fever and all diseases due to disordered kidneys, liver, stomach and bowels;" (bottle label, both products) "Directions: Tonic dose * * * Adults two teaspoonfuls: children under ten years one teaspoonful: children under five years half teaspoonful. The above to be taken in a little water after each meal. To stop chills and Fevers double the above of tonic dose and take every four hours. After Chills have stopped, the medicine should be taken as a tonic to rid the system of malaria and purify the blood [similar statements in Spanish];" (circular, both products) "Oxidine Kills Chills! Because of * * * its blood purifying and enriching qualities, its blood-building and strengthening power, Oxidine is the Universal Tonic. * * * when there's lassitude, weakness and lack of appetite, when a little exertion makes you feel tired, your legs drag, your back aches, your mouth tastes and your sleep is broken, Oxidine is the one thing that will restore your strength and enable you to enjoy life. Oxidine, because of its * * * health-giving effect, has established itself as a recognized remedy for Malaria, Chills, Fever, La Grippe * * * Malaria Fever * * * The disease is prevented and can be controlled and eliminated by the persistent use of Oxidine [similar statements in Spanish];" (tasteless Oxidine, retail carton) "Tasteless Oxidine * * * is a pleasant laxative, acting mildly on the liver, purifying * * * and in mild cases is very effective * * * Oxidine is Effective For * * * Flu and Fever * * * An Antidote for Malaria, A Food Digester and Constipation Remedy * * * An Effective Remedy for Chills and Fevers, A Mild Liver Medicine, and Relieves * * * La Grippe * * * The Life is in the Blood. To have health the blood must be pure. Malaria poisons the blood and deters the action of the liver. Oxidine is Effective in purifying the blood, regulating the liver, and cleansing your system of malaria, the great cause of sickness."

On December 28, 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.*

17056. Misbranding of liquid Hog Health. U. S. v. 4½ Gallons of Liquid Hog Health. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24248. I. S. No. 016312. S. No. 2440.)

On November 14, 1929, the United States attorney for the Southern District of Iowa, 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 4½ gallons of liquid Hog Health at Pisgah, Iowa, alleging that the article had been shipped by the General Veterinary Laboratory, from Omaha, Nebr., on or about September 13, 1929, and transported from the State of Nebraska into the State of Iowa, 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 sodium hydroxide, oil of chenopodium, creosote, a small amount of calcium phosphate, alcohol, and water.

It was alleged in the libel that the article was misbranded in that it contained alcohol, the quantity or proportion of which was not stated upon the label, and in that the statement or labeling "Hog Health," regarding the therapeutic or curative effects of the article, was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 6, 1930, 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.*