

17468. Misbranding of Nozol. U. S. v. 72 Bottles, et al., of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24483, 24513. I. S. Nos. 022882, 022883. S. Nos. 2754, 2808.)

Samples of a drug product known as Nozol having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the presence of 2 lots of the product at San Francisco, Calif.

On January 28, and February 7, 1930, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 72 bottles and 108 bottles of Nozol, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Nozol Co. (Inc.), from Pittsburgh, Pa., in part on or about July 10, 1929, and in part on or about December 9, 1929, and had been transported in interstate commerce from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended. Subsequently the libel filed against 72 bottles of the product was amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small amounts of camphor, menthol, and peppermint oil.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the bottle labels, in the accompanying circular, and on the display carton accompanying a portion of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Keeps the Nose * * * healthy;" (circular) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles,—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth,—the fact that they cannot be readily seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals, and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol * * * healing * * * the infected parts and helping to stop further spread of the infection. * * * permits sufficient time for therapeutic action. * * * Nozol * * * is an effective agent in combating sinus trouble * * * Nozol is a liquid * * * reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. * * * Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing * * * qualities of Nozol will greatly aid nature in correcting this catarrhal condition * * * Nozol for Hay Fever * * * Thousands today are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol when used in time spreads over the tissues, preventing the pollen from attacking the lining. Nozol for Sinus Trouble * * * It is estimated that * * * people in America are troubled with sinus infection of varying degrees. Sinus trouble * * * is indicated by frequent headaches, drippings of mucus into the throat, stoppage of the nasal passages and soreness and tenderness beneath the eye and over the cheekbone. If nature is allowed free rein, it can usually correct this condition. Nozol Most Effective Preparation for Sinus Trouble. By using Nozol regularly the nasal passages are kept clear and clean and proper drainage of the sinus is allowed. Use frequently,—three or four times a day if convenient and, shortly, the most stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble. * * * People having trouble breathing while sleeping, and this is also true in case

of children, can overcome this condition by clearing out the passages with Nozol;" (display carton accompanying portion of product) "Nozol Relieves Sinus Trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay Fever, General Nose Troubles, Use Nozol for Sinus Trouble * * * Sinus Trouble Relieves with Nozol. * * * Nozol (Nose All)."

On June 17 and 18, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17469. Misbranding of B-C for headache and neuralgia. U. S. v. 37 Dozen Packages, et al., of B-C for Headache and Neuralgia. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23458. I. S. Nos. 02386, 02387. S. No. 1635.)

Samples of a drug product known as B-C for headache and neuralgia from the herein-described interstate shipment, having been found to contain drugs which may be dangerous, and to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On or about February 26, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 37 dozen 25-cent packages and 82 dozen 10-cent packages of B-C for headache and neuralgia, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the B. C. Remedy Co., from Durham, N. C., on or about January 14, 1929, and had been transported from the State of North Carolina into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "B-C for Headache and Neuralgia * * * Absolutely Safe, Positive Relief, * * * Sleeplessness, Brain Fatigue, La Grippe, Earache, Rheumatic and Female Pains."

Analysis of a sample of the article by this department showed that the powders contained acetylsalicylic acid (6.64 grains per powder), acetanilide (3.82 grains per powder), and potassium bromide (12.04 grains per powder).

It was alleged in substance in the libel that the article was misbranded in that the above-quoted statements regarding the curative and therapeutic effects of the article, and the standard of strength under which it was sold, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic, curative, and preventive effects claimed.

The charges recommended by this department were that the statements on the envelope of the 25-cent package, "Absolutely safe," and on the envelope of the 10-cent package, "B-C * * * May be taken with absolute safety," were false and misleading; and that the following statements regarding the curative and therapeutic effects of the article, were false and fraudulent: (Envelope, 25-cent package) "Positive Relief * * * For * * * Neuralgia * * * Sleeplessness, Brain Fatigue, La Grippe, Earache, Rheumatic & Female Pains * * * For * * * Neuralgia, one powder * * * If not relieved in ½ hour repeat. For LaGrippe, Rheumatic & Female Pains, one powder every ½ hour until relieved;" (envelope, 10-cent package) "For * * * Neuralgia * * * Earache, Toothache, Neuritis, * * * Grippe, Rheumatic and Female Pains * * * Neuralgia, Earache and Toothache: Take one powder and if not relieved in one hour repeat. Neuritis, Sciatica and Rheumatic Pains: One Powder every two hours until relieved, then half a powder three times a day for several days to keep pain from returning. Female Pains: One powder every hour until relief is obtained. * * * Grippe and Flu: Take one powder as soon as symptoms appear; repeat every two hours until relieved."

On May 25, 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.*