

Analyses of samples of the articles by this department showed that Maxey's vegetable tonic consisted essentially of caffeine citrate, salicylic acid, ammonium chloride, chloroform, mustard oil, sassafras oil, clove oil, and water, colored with a red dye; and Maxey's One Minute liniment consisted essentially of chloroform, methyl salicylate, mustard oil, cassia oil, and water.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Bottle label of Maxey's vegetable tonic) "For Indigestion, all Stomach and Bowel Troubles. Digests Food in Lower Bowels, preventing Fermentation. Purifies the blood and regulates the system. \* \* \* where lining of stomach is inflamed from sores, abscesses or ulcers. \* \* \* Acts Directly on the Stomach \* \* \* Digests the Food \* \* \* treatment prepared for conditions arising from the stomach such as indigestion, dyspepsia, heartburn, sour belching, acid stomach, \* \* \* loss of appetite, nervous indigestion. Purifying the blood, eliminating the acids, malaria and impurities that are in the blood and system;" (circular accompanying Maxey's vegetable tonic) "For Cramps \* \* \* Acute Indigestion, \* \* \* should be taken Several Days in the treatment of indigestion, or to purify the blood;" (bottle label of Maxey's One Minute liniment) "Directions—For pains, apply to parts affected. For pains in the back, side, joints, \* \* \* Pyorrhea or diseased gums apply with cotton. Prevents Spanish Influenza, \* \* \* Catarrh;" (carton of Maxey's One Minute liniment) "Relieves Headache, Toothache, Earache or Neuralgia \* \* \* Relieves pains in the back, sides, shoulders, arms or limbs \* \* \* Rheumatism, pneumonia or pleurisy pains \* \* \* Catarrh of the head \* \* \* Pyorrhea or diseased gums. \* \* \* will keep out poison, inflammation and soreness. \* \* \* Pyorrhea or Diseased gums;" (circular accompanying Maxey's One Minute liniment) "For Rheumatic Pains, Pneumonia Pains, Pains in or across Back, in the limbs or joints \* \* \* For Catarrh \* \* \* Headache, \* \* \* For Headaches or Neuralgia \* \* \* For Pyorrhea or Diseased Gums \* \* \* For Rheumatism, Kidney and Back Trouble, also Female Trouble, remove pains, soreness, also stiffness with \* \* \* A sure preventive of Spanish Influenza."

On March 31, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18090. Adulteration and misbranding of Pyro-Lac milk of magnesia tooth paste. U. S. v. 43 Dozen Tubes of Pyro-Lac Milk of Magnesia Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25604. I. S. No. 11966. S. No. 3757.)**

Examination of the product herein described having shown that it contained insufficient magnesium hydroxide to justify its label as a milk of magnesia tooth paste, and that the carton and tube bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On January 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 dozen tubes of the said Pyro-Lac milk of magnesia tooth paste, remaining in the original unbroken packages at Denver, Colo., consigned by the Walgreen Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., in part on or about October 30, 1930, and in part on November 11, 1930, and had been transported from the State of Illinois 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 calcium carbonate (45.1 per cent), magnesium hydroxide (1.0 per cent), soap, glycerin, and flavoring material.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Milk of Magnesia Tooth Paste," whereas it fell below such professed standard, since it contained but an insignificant amount of magnesium hydroxide.

Misbranding was alleged for the reason that the statement "Milk of Magnesia Tooth Paste," appearing on the carton and tube, was false and misleading. Misbranding was alleged for the further reason that the following

statements on the carton and tube were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Protecting the teeth from acid erosion and preventing growth of germs of decay. \* \* \* It stimulates the ferments of the saliva which are essential to the digestion of food;" (tube) "Preventing decay and the conditions leading to pyorrhea."

On March 24, 1931, 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.*

**18091. Adulteration and misbranding of Vident No. 4 powder for Riggs' disease and Vident Riggs' disease mouth wash No. 6. U. S. v. 16 Cans of Vident No. 4 Powder, et al. Decree of condemnation and forfeiture. Products released under bond. (E. & D. Nos. 25620, 25621. I. S. Nos. 19801, 19802. S. No. 3838.)**

Examination of samples of the drug products herein described having shown that they consisted of a powder and a liquid, respectively, the powder being labeled as an antiseptic and germicide, whereas it was not antiseptic or germicidal, and both products bearing labels representing that they possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Texas the following lots of the products located in Beaumont, Tex.

On January 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 dozen cans of Vident No. 4 powder for Riggs' disease and 42 bottles of Riggs' disease mouth wash Vident No. 6 remaining in the original unbroken packages at Beaumont, Tex., alleging that the articles had been shipped by Katz & Besthoff, New Orleans, La., in part on August 15, 1930, and in part on October 25, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Vident No. 4 consisted essentially of pumice, calcium carbonate, sodium bicarbonate, sodium chloride, boric acid, and small proportions of zinc phenolsulphonate, menthol, and thymol. Bacteriological examination showed that it was not antiseptic. The Vident No. 6 consisted essentially of potassium iodide, boric acid, zinc chloride, iodine, small proportions of formaldehyde, thymol and eucalyptol, alcohol, glycerin, and water.

It was alleged in the libel that the articles were adulterated in that their strength fell below the professed standard or quality of "Antiseptic \* \* \* Germicidal," under which they were sold.

Misbranding was alleged for the reason that the statement on the label, "Antiseptic \* \* \* germicidal," was false and misleading.

The adulteration and misbranding charges based on the claims of antiseptic and germicidal properties for the articles were apparently applicable only to the powder, and were so recommended by this department.

Misbranding was alleged in the libel for the further reason that the following statements regarding the curative or therapeutic effects of the articles were false and fraudulent: (Vident powder, carton and can labels) "Riggs' Disease. An adjunct to Vident Riggs' Disease Mouth Wash \* \* \* and assists the recovery of the gums;" (Vident mouth wash, carton and bottle labels) "Riggs' Disease Mouth Wash is invaluable for all forms of Stomatitis, Gingivitis, Salivation and Aphthae, and is a great aid in the treatment of Pyorrhea Alveolaris \* \* \* Vident Riggs' Disease Powder Number Four must be used in conjunction with this Mouth Wash."

On March 16, 1931, Katz & Besthoff (Ltd.), New Orleans, La., having appeared as claimant for the property and having confessed judgment, and the court having found that the allegations of the libel were confessed to be true, a decree was entered ordering that the products be condemned and forfeited, and it was further ordered by the court that the said products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that they be relabeled so as to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*