

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.*