

the use of B. & M. was continued until March 24, 1925, * * * a doctor * * * stated that he found no liver trouble of any kind; * * * there had been no sign of relapse or recurrence."

The libels further alleged that the cuts depicting the "Normal Tubercle Bacilli as they appear on a typical plate before contact with B. & M.;" "The disintegration of Tubercle Bacilli resulting from contact with B. & M.;" "Normal Pneumococci Type III as they appear on a typical plate before contact with B. & M.," and the "Disintegration of Pneumococci Type III resulting from contact with B. & M.," and the cuts depicting the "X-ray of lung area taken November 12, 1927, showing the tubercle bacilli infection and destruction of lung tissue in the upper portion of both lungs and a consolidation from a mixed infection in the lower portion of the right lung," and "X-ray taken June 5, 1928, of lung area showing the new lung tissue forming with great rapidity in the upper part of both lungs, and the consolidation removed from the lower part of the right lung," were false and fraudulent designs and devices.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18177. Adulteration and misbranding of Vident No. 4 powder for Riggs' disease and of Vident No. 6 Riggs' disease mouth wash. U. S. v. 30 Cans of Vident No. 4 Powder for Riggs' Disease, et al. Products ordered released under bond. (F. & D. Nos. 25618, 25619. I. S. Nos. 8467, 8468. S. No. 3840.)

The products herein described consisted of a powder and a mouth wash. Both were represented to possess curative and therapeutic properties which they did not possess; the powder was not antiseptic and germicidal as labeled.

On January 8, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cans of Vident No. 4 powder for Riggs' disease and 18 bottles of Vident No. 6 Riggs' disease mouth wash, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by Katz & Besthoff, from New Orleans, La., on or about October 8, 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.

Analysis of a sample of Vident No. 4 powder for Riggs' disease by this department showed that it consisted essentially of pumice, calcium carbonate, sodium bicarbonate, sodium chloride, and boric acid with small proportions of a phenolsulphonate, menthol, and thymol. Bacteriological examination showed that the product was not antiseptic. Analysis of a sample of the Vident No. 6 Riggs' disease mouth wash by this department showed that it was a brown solution containing chiefly water, alcohol (20 per cent), glycerin, potassium iodide, boric acid, zinc chloride, and iodine, together with small amounts of formaldehyde, thymol, and eucalyptol.

It was alleged in the libel that the articles were adulterated in that their strength fell below the professed standard and quality of "Antiseptic * * * Germicidal," names recognized in the United States Pharmacopœia.

Misbranding was alleged in that the statements on the labels, "Antiseptic * * * Germicidal," were false, fraudulent, and misleading. (The above adulteration and misbranding charges were recommended by this department as applicable to the Vident powder only, and were as follows: The strength of the article fell below the professed standard or quality of "Antiseptic * * * Germicidal," under which it was sold, and the statements, "Antiseptic * * * Germicidal," were false and misleading.) Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false, fraudulent, and misleading: (Vident powder, carton and can) "Riggs' Disease Powder an adjunct to Vident Riggs' Disease Mouth Wash * * * and assists the recovery of gums;" (Vident mouth wash, carton and bottle) "Riggs' Disease Mouth Wash is invaluable for all forms of Stomatitis, Gingivitis, Salivation and Aphthae and is a great aid in the treatment of Pyorrhœa Alveolaris."

On March 27, 1931, Katz & Besthoff (Ltd.), New Orleans, La., having appeared as claimant for the property and having admitted the essential allegations of the libel, a decree was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$71, conditioned in part that they should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*