

contained no alcohol, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On March 11, 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 1 dozen tubes of Benetol tooth cream, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Benetol Products Co., from Redondo, Calif., on or about May 18, 1929, and had been transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, soap, glycerin, a small proportion of salicylate and water, flavored with anise oil. No alcohol was present. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "antiseptic," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the following statements, appearing on the labels, were false and misleading when applied to an article which was not antiseptic, and which contained no alcohol: (Carton) "Benetol Internal and External Antiseptic Tooth Cream;" (tube) "A true antiseptic dentifrice. Alcohol 3 per cent \* \* \* it possesses the antiseptic activity of contained benetol. This gives you \* \* \* protection against bacteria that attack teeth and gums."

On May 2, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18453. Misbranding of Voco. U. S. v. 70 Bottles of Voco. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25518. I. S. No. 16337. S. No. 3789.)**

Examination of a drug product, known as Voco, from the shipment herein described showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The label also represented that the article was purely vegetable, whereas it was not.

On December 19, 1930, the United States attorney for the Northern District of Illinois, 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 70 bottles of Voco at Chicago, Ill., alleging that the article had been shipped by the Voght Laboratories, from Escanaba, Mich., November 1, 1930, and had been transported from the State of Michigan into the State of Illinois, 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 a small proportion of ammonium chloride, extracts of plant drugs, sugar, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle and carton labels and in the accompanying circular, were false and fraudulent, since the said statements were applied to the article so as to represent falsely and fraudulently to the purchasers, and create in the minds of such purchasers the impression and belief that the article was effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Circular) "Purely vegetable;" (carton and bottle) "Grippe \* \* \* Preparation \* \* \* Flu \* \* \* Breaker the relief of Pleurisy \* \* \* and attacks of Hay Fever;" (carton only) "Very effective in Asthma and Pleurisy \* \* \* and aborts attacks of Hay Fever. For Hay Fever the full dose should be taken half hourly instead of hourly. \* \* \* most coughs yield to it;" (circular) "Grippe Preparation." This department recommended that the charge be brought that the above statement from the circular, "Purely Vegetable," was false and misleading.

On June 13, 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.*