

on or about October 18, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, 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 contained potassium manganese, strychnine, iron, calcium, and quinine hypophosphites dissolved in water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "This preparation has gained a wide reputation in the treatment of pulmonary tuberculosis and other affections of the respiratory organs. \* \* \* its use is indicated in a wide range of diseases;" (carton) "This preparation has gained a wide reputation in the treatment of affections of the respiratory organs. \* \* \* It is valuable in cases of weakened condition following attacks of severe \* \* \* coughs, and as a vitalizing tonic following nervous breakdowns. \* \* \* Combines in a pleasant form the constructive and nutritive \* \* \* properties of the principal Hypophosphites."

On June 3, 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.*

**18678. Misbranding of Vernas. U. S. v. 66 Small-Sized Packages, et al., of Vernas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26304. I. S. Nos. 29888, 29889, 29890. S. No. 4620.)**

Examination of the labeling and composition of the drug product Vernas having shown that it was recommended as an antiseptic, whereas it was not antiseptic when used as recommended, also that it was labeled as possessing curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 28, 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 66 small-sized packages, 27 medium-sized packages, and 18 large-sized packages of the said Vernas, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Royal Sundries Corporation, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about February 26, 1931, and had been transported from the State of New York into the State of Pennsylvania, 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 zinc chloride, volatile oils including clove oil, cassia oil, and peppermint oil, glycerin, alcohol (22 per cent by volume), and water. Bacteriological examination showed that the article was not antiseptic in the dilution recommended for the douche.

It was alleged in the libel that the article was misbranded in that the statements appearing on the carton, "Antiseptic \* \* \* effective \* \* \* for feminine hygiene," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Promotes Nose and Throat Health \* \* \* Strengthens Spongy, Bleeding, Gums \* \* \* Sores \* \* \* Prophylactic;" (bottle) "Bleeding Gums \* \* \* Sore Throat.—Gargle with Vernas full strength several times daily. (Make this a habit during winter and spring months as a preventative.) \* \* \* Prophylactic;" (circular) "Imbedded germ colonies cannot escape the New Vernas. It goes deep down to destroy these disease breeding spots, which are constantly forming. \* \* \* Stimulates your enzymes—tones your tissues \* \* \* to fight Sore Throat \* \* \* For Sore Throat. Sore throat is a danger signal that should never be neglected. A sore throat may be caused by a highly contagious disease like diphtheria \* \* \* The New Vernas should be used as a gargle, \* \* \* For Bleeding Gums and Mouth Infections."

On May 22, 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.*