

18973. Misbranding of Harding's 444. U. S. v. 22 Bottles of Harding's 444. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27017. I. S. No. 36839. S. No. 5224.)

Examination of the drug product Harding's 444 from the shipment herein described showed that bottle and carton labels contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess; also that it contained less alcohol than declared on the label. The label further represented that the article would not derange the stomach nor cause bumps to appear on the face, whereas it contained drugs which might produce such results.

On or about October 5, 1931, the United States attorney for the Eastern District of Louisiana, 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 22 bottles of the said Harding's 444, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Harding Drug Co., Jackson, Miss., on or about August 6, 1931, and had been transported from the State of Mississippi into the State of Louisiana, 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 potassium iodide (5.5 grams per 100 milliliters), mercuric chloride (0.07 gram per 100 milliliters), extract of a laxative plant drug such as cascara sagrada, alcohol (4.6 per cent by volume), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the statements appearing in the labeling, "15% Alcohol" and "Does not derange the stomach, nor cause bumps to appear on the face," were false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Harding's 444 For the Blood and Rheumatism This * * * will relieve chronic cases of diseased blood in all stages. * * * passes the impurities off—via Nature's way. Relieves Old Sores and Aching Joints 444 Relieves Rheumatism in all forms of this dreadful disease;" (carton) "Harding's 444 For the Blood and Rheumatism * * * This Preparation is intended to relieve Muscular Rheumatism, Stiff Joints * * * General Sluggish Condition of the System, caused from Thick, Impure Blood. Relieves Old Sores and Aching Joints 444 Relieves Enlarged Glands by absorption, passing the impurities off via Nature's way."

On November 4, 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.*

18974. Adulteration and misbranding of Vilane powder. U. S. v. 36 Packages of Vilane Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26810. I. S. No. 29231. S. No. 4929.)

Examination of samples of a drug product, known as Vilane powder, showed that the carton and package labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. Examination further showed that the article was represented to be a disinfectant, whereas it was not a disinfectant when used according to the directions contained in the circular.

On July 28, 1931, the United States attorney for the Southern District of New York, 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 36 packages of the said Vilane powder at New York, N. Y., consigned by the Blackburn Products Co., Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, in part on or about May 22, 1931, and in part on or about June 5, 1931, and had been transported from the State of Ohio into the State of New York, 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 the powder consisted essentially of borax, sodium chloride, sodium bicarbonate, and small

proportions of thymol, menthol, methyl salicylate, and eucalyptol. Bacteriological examination showed that the article, when diluted with 20 parts of water, was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "As a Disinfectant," since it was not a disinfectant when used in accordance with the following directions contained in the circular accompanying the article: "Solution—Unless otherwise specified in the directions, use one level teaspoonful of Vilane Powder to one pint of water. However, any strength from a pinch in a pint of water to a saturated solution may be used as the occasion demands. Douche—One heaping teaspoonful of Vilane Powder to two quarts of very warm water. May be used stronger or weaker according to need. * * * Gargle—Use solution of one-half teaspoonful of Vilane Powder to a glass of water. * * * Vapor—One level teaspoonful of Vilane Powder in a half pint of boiling water. Breathe the fumes as Vilane vaporizes. * * * Internally—An eighth of a level teaspoonful of Vilane Powder in a cup of hot water shortly before meals. If preferred, fill a number of two-grain capsules with Powder, take one capsule before meals and on retiring * * * Enema—One level teaspoonful of Vilane Powder to each pint of warm water."

Misbranding was alleged for the reason that the statement on the label, "As a Disinfectant," was false and misleading when used in connection with the directions for use appearing in the circular, as above quoted. Misbranding was alleged for the further reason that the following statements on the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (package label) "For Muco-Purulent Discharges. * * * Useful as a wash or douche in nasal catarrh, hemorrhages, etc. Valuable as a gargle in sore throat and tonsillitis. Read circular for using Vilane in eighty unhealthy conditions;" (carton) "Useful as a Wash or Douche in Nasal Catarrh, Hemorrhages, Etc. Valuable as a Gargle in Sore Throat and Tonsillitis. Read Circular for Using Vilane in Eighty Unhealthy Conditions. * * * Use Vilane for Catarrh * * * Use Vilane as Cleansing Sanitary Douche for Muco-Purulent Discharges;" (circular) "By reading this circular you may * * * prevent much distress in the course of a year * * * as an aid in congestion and inflammation * * * Milk Solution. * * * Use in bathing cases of eczema, where water is harmful * * * Directions for the Relief of Abscess * * * Acne—Face Pimples * * * Asthma * * * A pinch of Vilane in a cup of hot water before meals and on retiring aids in relieving the pressure of gas against lungs. * * * Boils * * * Breasts—Sore—To assist in reducing inflammation, bathe breast often with solution of one level teaspoonful of Vilane Powder in a cup of warm water. Apply compresses wet in a warm (not hot) solution of same strength and renew hourly or oftener if necessary * * * Carbuncles * * * Catarrh—nasal * * * Be persistent in the use of Vilane, as catarrh, if neglected, leads to serious trouble. * * * Chilblains * * * Colic * * * coughs—Take Vilane Cough Syrup as often as necessary. As nearly all coughs are due to catarrhal conditions use Vilane Solution (one level teaspoonful Vilane to a pint of water) as a gargle and nasal spray. Croup—Call physician immediately. While waiting, put a level teaspoonful of Vilane in a half-pint of boiling water and inhale the steam; use Vilane Cough Syrup; wring flannel cloths out of a solution of two level teaspoonfuls of Vilane to a pint of hot water and apply to chest, changing frequently. Cover compress with dry Turkish towel. Cystitis—Douches of one heaping teaspoonful Vilane to two quarts of very warm water three times a day. Take douches slowly and in a reclining position. Warm sitz-bath and Vilane Suppository on retiring. An eighth of a teaspoonful of Vilane in a cup of hot water taken internally three or four times a day helps to reduce inflammation. Dandruff—To overcome, rub scalp thoroughly for several minutes—wash hair with good soap—apply to the scalp a solution of one-half a level teaspoonful of Vilane to a pint of warm water and massage well. * * * Diarrhea—As an internal relief an eighth of a level teaspoonful of Vilane in a cup of hot water taken internally three times a day; or Vilane Capsules three times daily; wring cloths out of a solution of one heaping teaspoonful of Vilane to a pint of hot water and apply to abdomen. Warm

Vilane Enema night and morning. * * * Dyspepsia—Acid * * * Ears—(Itching Dry Catarrh)— * * * Earache * * * Eyes—Sore—Granulated Lids * * * Feet—Sore, Aching * * * Felon * * * Gums—Sore, Bleeding, Receding and Tender * * * Headaches—Sick * * * One-fourth of a level teaspoonful of Vilane in a cup of hot water, taken internally will sometimes induce vomiting which clears the stomach of any undigested food and settles nausea. * * * Hemorrhoids or Piles * * * As Vilane brings inflammation to the surface before healing, results may seem slow at first. Follow above directions persistently until complete relief is obtained * * * Hoarseness * * * As this condition is often traced to catarrh of the head, it is most necessary to use a solution of above strength as a nasal spray morning and night. Indigestion—Acid— * * * Inflammation * * * Read 'Ways of Applying' and decide which form is most practical to use to reach the seat of inflammation * * * Leucorrhœa—Although not a disease, is a condition which goes with so many disorders of the female organs and causes such discomfort that it is regarded by women as a deciding factor between health and illness. No matter what the cause may be, the effect is much the same—a discharge which inflames and irritates the parts over which it passes. This condition, if neglected, is the cause of grave results, such as tumors, ulcers, etc. Vilane loosens and removes the discharges, heals the inflammation and leaves the parts clean and normal. Read directions for 'Douche.' In extreme cases, douches should be taken twice daily, morning and night. Insert Vilane Suppository each night on retiring. These directions should be followed persistently until discharge has entirely stopped. Misplacements—Use Vilane Douche night and morning * * * Ovarian Irritation—Take Vilane Douches regularly night and morning; read directions for 'Leucorrhœa' and 'Douche;' insert Vilane Suppository on retiring. Follow above directions persistently and an unnecessary operation may perhaps be avoided. Painful Periods * * * Ptomaine Poisoning—Vilane may be used as a 'First Aid' while waiting for a physician to arrive. One-third of a level teaspoonful of Vilane in a pint of hot water taken internally. This may nauseate and induce vomiting, which cleanses the stomach quickly. Continue taking Vilane and hot water until nausea has stopped, when a dose of castor oil should be taken. Rash—To allay itching and irritation * * * Ringworm * * * Sores * * * Sore Throat—Common * * * wet a compress in a strong solution of one level teaspoonful of Vilane to one-half pint of hot or cold water and bind around throat, renewing hourly till relieved. * * * Teeth—For * * * sterilizing the teeth, * * * Teething—Dip a bit of absorbent cotton in a solution of one-third of a level teaspoonful Vilane in a cup of warm water and bathe gums three or four times a day. This * * * reduces inflammation. Tonsillitis—Call a physician at once. As first aid, gargle or spray throat with hot or cold Vilane Solution (one rounding teaspoonful Vilane to one pint of water) every hour; wet a compress in hot or cold solution of same strength and bind around throat, changing every hour. Use Vilane as soon as throat becomes sore, as neglected sore throats are dangerous. Toothache—Put a half a level teaspoonful of Vilane in half a cupful of hot water—hold a little of this solution in the mouth for five or ten minutes at a time, use stronger if desired; dip a bit of absorbent cotton in the solution—then in the clear Vilane Powder and place between gum of aching tooth and cheek * * * See a dentist. Whooping Cough—Call a physician; as a first aid while waiting, put a rounding teaspoonful of Vilane in a pint basin of steaming hot water and inhale the vapor; * * * Recipe to make Inexpensive Cleansing Tooth Powder: * * * Apply to the teeth daily with tooth brush and it will * * * disinfect and prevent decay, while it serves to tone up the gums, correct bad breath and aids in removing germ life present from decayed food, etc. * * * To Make a Good Foot Ease Remedy: * * * Mix and sprinkle into the shoes whenever required to relieve * * * aching, swollen * * * feet."

On September 10, 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.*