

**19656. Misbranding of Germania herb tea. U. S. v. 96 Packages of Germania Herb Tea. Default decree of condemnation and destruction. (F. & D. No. 27940. I. S. No. 50095. S. No. 5974.)**

Examination of the drug product involved in this action showed that it was falsely labeled as to the name of the manufacturer and the State in which it was produced.

On March 23, 1932, the United States attorney for the Northern District of Ohio, 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 96 packages of Germania herb tea at Akron, Ohio, alleging that the article had been shipped in interstate commerce on or about January 20, 1932, by the J. Walker Burns Co., from Chicago, Ill., and charging 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 senna leaves with smaller proportions of other plant drugs including corn flower, arnica, uva ursi, and a drug containing mydriatic alkaloids.

It was alleged in the libel that the article was misbranded in that it was falsely branded as to the State in which it was manufactured or produced, and in that the statement on the label, "Germania Tea Co.," was false and misleading, since the article was not manufactured or produced by that firm.

On June 27, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

**19657. Adulteration and misbranding of antiseptic solution and San-I-Cide mouth wash. U. S. v. 24 Dozen Bottles of Antiseptic Solution, et al. Default decrees of destruction entered. (F. & D. Nos. 28235, 28236. I. S. Nos. 50060, 50061. S. No. 6085.)**

These actions involved an interstate shipment of antiseptic solution, which was represented to meet the requirements of the National Formulary, and which was found to contain more alcohol and less boric acid than prescribed in the said formulary; and a shipment of San-I-Cide mouth wash, which was represented to be an antiseptic, and which examination showed was not antiseptic when used as directed. Examination also showed that the articles would not produce certain curative and therapeutic effects claimed in the respective labelings.

On April 27, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 dozen bottles of antiseptic solution and 48 dozen bottles of San-I-Cide mouth wash at Columbus, Ohio, alleging that the articles had been shipped in interstate commerce, on or about March 4, 1932, by LaPompador (Inc.), from Minneapolis, Minn., to Columbus, Ohio, 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 antiseptic solution consisted essentially of boric acid (0.5 gram per 100 cubic centimeters), alcohol (by volume 39 per cent), volatile oils, and water; and that the San-I-Cide mouth wash consisted essentially of small proportions of formaldehyde and zinc chloride, glycerin, alcohol (by volume 8.3 per cent), and water flavored with cinnamon oil and colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

Adulteration of the antiseptic solution was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary, "antiseptic solution (liquor antisepticus)," and differed from the standard of strength, quality, or purity as determined by the test laid down in the said formulary, since analysis showed that it contained 38 per cent of alcohol and 0.5 gram of boric acid per 100 cubic centimeters, whereas the formulary prescribes that antiseptic solution should contain 28 per cent of alcohol and 2½ grams of boric acid per 100 cubic centimeters in addition to other ingredients. Adulteration of the antiseptic solution was alleged for the further reason that its strength fell below the professed standard or quality under which it was sold, namely, "Contains 28% Alcohol." Adulteration of the San-I-Cide mouth wash was alleged for the reason that it fell below the professed standard of strength under which it was sold, namely, "San-I-Cide Mouth Wash \* \* \* An Effective \* \* \* Antiseptic," since it was not an antiseptic when used as directed on the label for mouth wash, gargle, spray, or douche.