

20934. Adulteration and misbranding of Enzel. U. S. v. Elbert L. Hambright (The Spoon Laboratories, Inc.). Plea of guilty. Case ordered dismissed. (F. & D. no. 28163. I. S. no. 44572.)

This case was based on an interstate shipment of a drug preparation, known as Enzel, that was represented to be an oral antiseptic and treatment for certain diseased conditions of the mouth. Examination disclosed that it was not an antiseptic, and that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elbert L. Hambright, Denver, Colo., alleging shipment by said defendant, under the name of the Spoon Laboratories, Inc., in violation of the Food and Drugs Act as amended, on or about September 26, 1931, from the State of Colorado into the State of Kansas, of a quantity of Enzel that was adulterated and misbranded.

Analysis of a sample of the article by this Department, showed that it consisted essentially of zinc chloride, magnesium sulphate, sodium sulphate, potassium chlorate, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be antiseptic, whereas it was not antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic", borne on the label, was false and misleading. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle labels falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for pyorrhea and trench mouth, pyorrhea and trench mouth infections, sore, tender, and ulcerated gums, and loose teeth.

On May 22, 1933, the defendant entered a plea of guilty to the information, and after a discussion of the case which disclosed that the product had not been manufactured or shipped for about a year and a half, the court ordered the case dismissed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20935. Alleged adulteration and misbranding of sodium salicylate tablets. U. S. v. Irwin, Neisler & Co. Plea of not guilty. Heard by the court on statements of counsel. Judgment of not guilty. (F. & D. no. 29392. I. S. no. 53967.)

On February 3, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 25, 1932, from the State of Illinois into the State of Iowa, of a quantity of sodium salicylate tablets. The article was labeled in part: "1000 Tablets Sodium Salicylate 5 grains Irwin, Neisler & Co. Manufacturing Pharmacists Decatur, Illinois."

The information alleged that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain 5 grains of sodium salicylate, whereas each tablet contained not more than 4.379 grains of sodium salicylate.

The information further alleged that the article was misbranded in that the statement on the label, "Tablets Sodium Salicylate 5 Grains", was false and misleading.

The defendant company appeared through a representative and entered a plea of not guilty and waived a jury trial. On June 7, 1933, the case having been heard by the court on statements of counsel, the defendant was found not guilty.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20936. Misbranding of Cheney's red clover flowers and Dr. Gardner's Kidneyaid. U. S. v. G. S. Cheney Co., Inc. Plea of nolo contendere. Fine, \$50. (F. & L. no. 28177. I. S. no. 48075. Sample no. 9118-A.)

Examination of the drug products on which this case was based disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.