

Misbranding was alleged for the further reason that the following statements appearing on the labeling of the greater number of the lots were false and fraudulent: (Vi-Te-Ma Stock Compound, coupon) "I hereby agree to use Vi-Te-Ma Compound according to directions on the package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (Vi-Te-Ma and Vitamized Poultry Compound) "For sick fowls, separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls"; (Vitamized Stock Compound, label) A cut showing a hog full of worms bearing the legend "Worms Kill Hogs"; (coupon) "I hereby agree to use Vitamized Compound according to directions printed upon package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding."

No claimant appeared in the cases. On January 10, 1933, judgment of condemnation and forfeiture was entered in the case instituted in the District of Montana, and it was ordered by the court that the products be destroyed. Decrees of condemnation and destruction were entered in the remaining cases between April 26 and August 5, 1933.

M. L. WILSON, *Acting Secretary of Agriculture.*

21203. Adulteration and misbranding of Mayo's dentifrice. U. S. v. Mayo's Laboratories, Inc. Plea of guilty. Fine, \$3 and costs. (F. & D. no. 27561. I. S. no. 36956.)

This case was based on an interstate shipment of Mayo's dentifrice, the labeling of which bore antiseptic and therapeutic claims. Examination disclosed that the article was not an antiseptic when used as directed, and that it contained no ingredients or combination of ingredients capable of producing certain therapeutic effects claimed.

On May 23, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mayo's Laboratories, Inc., Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about June 1, 1931, from the State of Oklahoma into the State of Texas, of a quantity of Mayo's dentifrice which was adulterated and misbranded. The article was labeled in part: (Bottle) "Mayo's Dentrifrice"; (carton) "Mayo's Pyorrhoea Remedy An antiseptic, * * * Mayo's Laboratories, Inc., Oklahoma City, Okla."; (circular) "Acts as an antiseptic."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphocarbolate, soap, glycerin, and water, colored with a red dye. 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 an antiseptic, whereas it was not an antiseptic.

Misbranding was alleged for the reason that the statement, "An Antiseptic" on the carton, and the statement, "Acts as an antiseptic" in the circular, were false and misleading, since the article was not an antiseptic, and would not act as an antiseptic. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the cartons and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for pyorrhoea, and as a treatment for trench mouth and gum troubles; effective to tone, strengthen, and harden the gums; effective to combat pyorrhoea and other disturbances of the gums from any cause; effective to make soft bleeding gums firm and healthy; effective as a treatment for pyorrhoea and other gum infections; effective to heal soft, bleeding gums; effective to relieve pyorrhoea, Riggs disease, sore or bleeding gums, sore throat, and all disturbances of the mouth, and as a preventive of pyorrhoea; and effective to tighten the teeth and to keep the gums in a healthy condition.

On June 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$3 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21204. Misbranding of Anticol. U. S. v. 240 Packages of Anticol, A Vapor-ous Inhalant. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30473. Sample no. 23413-A.)

This case involved a drug preparation which contained undeclared alcohol.

On May 17, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

District Court a libel praying seizure and condemnation of 240 packages of the said Anticol at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 25, 1933, by the Apex Laboratories, Inc., from New York, N.Y., 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 volatile oils (19 percent) including menthol and lavender oil, and alcohol (approximately 79 percent).

It was alleged in the libel that the article was misbranded in that its package or label failed to bear a declaration of the quantity or proportion of alcohol contained in the article.

On August 9, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21205. Misbranding of Merrell's Penetrating Oil. U. S. v. 70 Bottles of Merrell's Penetrating Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30533. Sample no. 33288-A.)

Examination of the drug preparation Merrell's Penetrating Oil disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels.

On June 2, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bottle of Merrell's Penetrating Oil at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about December 3, 1932, by the Dick Dunn Drug Products Co., from St. Louis, Mo., 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 volatile oils including turpentine oil and eucalyptol.

It was alleged in the libel that the article was misbranded in that the following statements on the bottles and cartons, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "For Toothache, apply the Oil to the gum around the aching tooth * * * also rub on the outside over the aching jaw. For Earache * * * For Cramps, or any severe gripping pain in the stomach or bowels, take 10 to 15 drops on sugar (children in proportion.) In severe cases repeat in half-hour and apply externally over pain"; (carton) "For * * * Rheumatism, * * * Cramps, Toothache, Lame Back, Stiff Joints, etc."

On September 25, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21206. Misbranding of Yob-I-Ana Dulce. U. S. v. 426 Packages and 53 Packages of Yob-I-Ana. Default decree of condemnation and destruction. (F. & D. nos. 29942, 30469. Sample nos. 34089-A, 35379-A.)

Examination of the drug preparation, Yob-I-Ana Dulce, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton labels and in the leaflets and testimonials shipped with the article.

On March 16, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 426 packages of Yob-I-Ana at Little Rock, Ark. On May 19, 1933, the United States attorney for the Western District of Louisiana, filed a libel against 53 packages of Yob-I-Ana at Shreveport, La. It was alleged in the libels that the article had been shipped in interstate commerce by the Dulce Laboratories from Dallas, Tex., in part on or about February 25, 1933, and in part on or about March 14, 1933, and that it was misbranded 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 petrolatum, small proportions of volatile oils such as citronella oils and peppermint oil, and a rubifacient such as red pepper extract