

Analysis of a sample of the article by this Department showed that it consisted of small proportions of zinc chloride, sodium chloride, glycerin, saccharin, alcohol (2.5 percent by volume), and water flavored with aromatics and colored with a red dye.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic * * * Germicide."

Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Front of bottle label, 6-oz. size) "Healing * * * A Germicide For The Mouth, Teeth, Throat and Skin * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases"; (back of bottle label, 6-oz. size) "Healing * * * In Keeping Teeth and Gums Healthy use ZePyrol * * * In Preventing Sore Throat, Tonsilitis, Influenza, etc., gargle with ZePyrol full strength or diluted. For serious cases see a competent physician. * * * In Relieving Catarrh * * * Skin * * * Eruptions"; (carton, 6-oz. size) "Healing * * * An Aid to Prevent & Relieve Pyorrhoea and Germ Diseases * * * Prevent Tonsil Infection from Coughs—Colds * * * Please Help Keep Your Health A man suffered for years from acute rheumatism. He went from one doctor to another without relief. Finally he went to his dentist one day to have his teeth fixed. A blind abscess was found which was opened and cured. Immediately his rheumatism disappeared. Another man had a supposed case of spine trouble. No doctor gave him relief until, finally, one physician suggested that he have his teeth examined. Pyorrhoea was discovered, cured and spinal trouble left him. In another case defective eyesight was found due to defective teeth. A man's throat trouble of years' standing was found to be caused by toxins in teeth. Evidently we do not give our teeth due credit for their importance in our general health. * * * Teeth—Loose sensitive teeth, bleeding gums. Pyorrhoea—(Rigg's Disease.) * * * Tonsils—Infection usually following lack of attention to the teeth as well as mouth and throat, Colds—Coughs. * * * Prevents infection, pimples, etc. * * * Nasal Passages—Influenza, coughs, colds, etc."; (front of bottle label, 14-oz. size) "Healing * * * A Germicide For The Mouth, Teeth, Throat And Skin * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases"; (back of bottle label, 14-oz. size) "Healing * * * To Aid In Preventing Pyorrhoea And In Keeping Teeth And Gums Healthy use ZePyrol * * * To Aid In Preventing Sore Throat, Tonsilitis, Influenza, etc., gargle with ZePyrol either full strength or diluted. For serious cases, see a competent physician. * * * in Relieving Catarrh * * * Skin * * * Eruptions * * *"; (carton, 14-oz. size) "Healing * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases * * * Gargle For Throat Infection * * * an aid in maintaining health. * * * leaves the tissues in a firm, clean, disease resisting condition. * * * as a gargle at first indications of sore throat or other infection. * * * keep the gums, teeth and tonsils free from infection. * * * To keep the tooth brush * * * aseptic. * * * As an aid in preventing sore throat, coughs, etc."

On January 8, 1934, 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.*

22003. Misbranding of Beatsol Earache Outfit. U. S. v. 86 Packages of Beatsol Earache Outfit. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31568. Sample no. 43987-A.)

Examination of the drug preparation, Beatsol Earache Outfit, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton, and in a circular and display carton accompanying the article.

On November 14, 1933, the United States attorney for the Northern District of New York acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 packages of Beatsol Earache Outfit at Binghamton, N.Y., alleging that the article had been shipped in interstate commerce on or about February 15, 1933, by the G. & W. Laboratories, Inc., from Jersey City, N.J., 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 ether, camphor, eucalyptol, and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle) "Earache Liquid for Earache * * * Buzzing in the ear, etc. * * * Repeat every hour until relieved."; (carton) "Earache Outfit sure relief quickly * * * safe reliable and prompt * * * Earache * * * to be used for relieving pain, earaches, buzzing * * * in the Ear, etc. * * * Liquid"; (circular) "In emergencies when you are in pain and are suffering results are wanted you will get quick sure results * * * At night when you have a * * * Splitting Earache * * * That is the time when you want quick relief * * * Earache * * * Earache liquid * * * You will never know what it means to suffer with an awful earache when you use this remedy * * * Makes hearing easier"; (display carton) "Earache Outfit."

On December 21, 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.*

22004. Misbranding of Oyster-X-Tonic. U. S. v. 67 Bottles and 76 Bottles of Oyster-X-Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31561, 31562. Sample nos. 46880-A, 46881-A.)

This case involved a product labeled to convey the impression that it was prepared largely from oysters and possessed certain tonic properties derived from oysters. Examination showed that the article contained an insignificant proportion, if any, of material derived from oysters; that the ingredients listed on the label were present, if at all, in insufficient amounts to be of any tonic value; and that it contained no medicinal substances capable of producing the curative and therapeutic effects claimed in the labeling. The article was also labeled to convey the misleading impression that it had been examined and approved by the Government.

On November 10, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 143 bottles of Oyster-X-Tonic at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 4 and October 16, 1933, by the Oyster-X Co. from Cleveland, Ohio, 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 of tablets containing material derived from nux vomica, calcium, iron and aluminum compounds, traces of copper, iodine, manganese and phosphorus compounds, protein, and starch.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle label) "Oyster-X-Tonic—Directions: Tablets may be chewed or swallowed whole with half glass of water. Take as advised by physician or we suggest 2 tablets before each meal or 3 times during day. Take 2 more tablets at bedtime. If desired, increase bedtime dose to 3 tablets. We advise taking Oyster-X continuously for at least 3 weeks. Still better results obtained when continued 2 or 3 months. Read booklet in package. Oyster-X * * *"; (carton) "Oyster-X Tonic For Men and Women of all Ages Who Desire, in Easy-to-Take Form, the Vital Organic Elements Which Raw, Fresh Oysters Supply the Body in Need of Blood Regeneration. * * * Oyster-X * * * Oyster-X * * * Vital Elements of Raw, Fresh Oysters Valuable in Blood Regeneration. The Vital Organic Elements in Oysters * * * The Oysters Used in Oyster-X Are Selected * * * Oysters, Which Are Rich in These Vital Elements * * * Government Inspected Oysters * * * Oyster-X * * *"; (circular) "Oyster-X Tonic * * * vital elements of raw, fresh Oysters Concentrated * * * Best results are obtained when Oyster-X is taken over a period of time. Do not expect it to make you a new person overnight. You may experience its results very quickly as its vital elements are supplied your body from the very day you start to take Oyster-X. But continue to take it for at least 3 months. Oyster-X * * * Oysters are rich in Vital Elements needed for Blood Regeneration. Now combined in easy-to-take Oyster-X Tonic Tablets. Recent medical research shows that raw oysters are particularly rich in the vital