

absorbed into the blood * * * resulting in marked and progressive improvement."

On June 15, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

22608. Adulteration and misbranding of whisky. U. S. v. 75 Cases, et al., of Whisky. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32739, 32772, 32773, 32781. Sample nos. 41448-A, 72132-A, 72133-A, 72134-A, 72151-A, 72153-A.)

This case involved whisky, labeled "for medicinal purposes" which failed to conform to the specifications of the United States Pharmacopoeia, since it had not been aged for 4 years in charred wood containers, it contained caramel which concealed lack of storage and is specifically prohibited by the pharmacopoeia, and the acidity and esters were less than the minimum required by the pharmacopoeia. The alcohol content was declared as "proof" and not in percentage of alcohol.

On May 21, May 26, and May 29, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 242 cases and 140 bottles of whisky at St. Louis, Mo. On May 26, 1934, a libel was filed in the Eastern District of Illinois against 45 cases and 21 bottles of whisky at East St. Louis, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments, on or about December 20, 1933, January 12 and February 1, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, variously: "Old Hawthorne A Blend of Whiskies"; "Old Polk 100 Proof Straight Whisky"; "Major Paul's A Blend of Whiskies"; (all brands) "For Medicinal Purposes Only."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "For Medicinal Purposes Only", borne on the labels, was false and misleading and for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged with respect to a portion of the article for the further reason that the statement "Straight Whisky" was false and misleading.

On June 6 and June 7, 1934, the Brown-Forman Distillery Co., Louisville, Ky., claimant, having admitted the allegations of the libels and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered finding the product adulterated and misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of bonds totaling \$5,500, conditioned that it should not be sold or disposed of until relabeled.

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

22609. Misbranding of Rabbit Supto. U. S. v. Supto Manufacturing Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 32119. Sample no. 36618-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 6, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Supto Manufacturing Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about March 15, 1933, from the State of Iowa into the State of Illinois, of a quantity of Rabbit Supto which was misbranded.

It was alleged in the information that the article was misbranded in that the following statements appearing on the can label, regarding the therapeutic

effects of the article, were false and fraudulent: "The fumes from evaporation after use in the hutch will satisfactorily combat colds and snuffles."

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1297, published under that act. On May 18, 1934, a plea of guilty to both charges was entered on behalf of the defendant company, and the court imposed a fine of \$10 on each of the two counts, together with costs of the action.

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

22610. Adulteration and misbranding of Fresca Antiseptic Powder. U. S. v. 58 Packages of Fresca Antiseptic Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32259. Sample no. 65087-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological examination showed that the article was not an antiseptic when used as directed.

On March 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 packages of Fresca Antiseptic Powder at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 8, 1934, by the Fresca Co., from Lansing, Mich., 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 it consisted essentially of boric acid, alum, and small amounts of phenol and oil of peppermint. Bacteriological examination showed that it was not antiseptic even when tested in solutions 10 times as strong as that recommended on the labeling.

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 * * * For Feminine Hygiene."

Misbranding was alleged for the reason that the following statements appearing in the labeling, were false and misleading: (Box) "Antiseptic Powder * * * For Feminine Hygiene"; (circular) "Antiseptic * * * 'An Antiseptic Powder for women is a boon' * * * The greatest wealth cannot buy a better antiseptic, Fresca * * * An antiseptic * * * Fresca is far superior to all other antiseptics. As an antiseptic." Misbranding was alleged for the further reason that the box label and circular contained false and fraudulent statements regarding the use of the article in inflammations of the female generative tract, troubles peculiar to women, any trouble along the vaginal tract, vaginitis, leucorrhoea, social or venereal diseases, wounds, removing proud flesh, stopping discharge of pus, sleeplessness, catarrhal disease of the womb, piles, hemorrhoids, abscesses, wounds, athlete's foot, and ringworm.

On April 6, 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.*

22611. Misbranding of Womanette. U. S. v. 35 Bottles and 23 Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32260. Sample nos. 61952-A, 61953-A.)

Examination of the drug preparation Womanette showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 12, 1934, 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 58 bottles of Womanette at Dallas, Tex., alleging that the article had been shipped in interstate commerce by L. Wilzin, in part on or about January 2, 1934, from Leland, Miss., and in part on or about January 12, 1934, from Greenville, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Manufactured by the Capital Remedy Co., Incorporated, Jackson, Mississippi"; (wrapper) "Distributed by Bolton Medicine Co., Bolton, Miss."