

On April 17, 1934, the United States attorney for the Southern 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 246 packages of Katropine Antiseptic Nasal Jelly at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 31 and February 24, 1934, by the Phoenix Drug Co., from Newark, N. J., 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 benzocaine (3 percent) and essential oils including menthol and camphor, incorporated in fat.

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, (circular) "Exerting * * * powerful * * * germicidal characteristics."

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton) "Recommended for * * * Hay Fever Catarrh"; (tube) "Hay Fever Catarrh"; (circular) "An article of outstanding merit and effectiveness as an aid in the treatment of * * * Hay Fever and Sinus troubles. * * * It attacks the offending organisms and it promotes the healing of the inflamed membranes. The head colds of children are particularly insidious and if left untreated may extend to the most grievous results. Infection of the middle ear, swollen glands, with the necessary operation and permanently disfiguring scars may originate with the simple head cold. Sinus infections are caused almost exclusively by malignant infections of the surrounding membranes so as to prevent proper drainage. The head cold, then is the contributing cause of too many serious diseases to be taken lightly. Katropine offers as nearly perfect protection as has yet been devised. * * * A very small amount squeezed into each nostril and drawn up by a deep breath will in most cases afford immediate and welcome relief. Hay Fever Sinus Infections."

On May 10, 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.*

22650. Adulteration and misbranding of witch hazel. U. S. v. 64 Bottles, et al., of Witch Hazel. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32467. Sample nos. 67097-A, 67099-A, 67503-A, 67504-A, 67512-A, 67513-A.)

Examination of the four lots of extract of witch hazel covered by this case showed them to be in violation of the law in various respects, as follows: One lot fell below the standard established by the National Formulary, since it contained acetone, a substance not permitted by the formulary; it was of a higher specific gravity, and contained less alcohol than the formulary product, it was labeled "U. S. P.", whereas the United States Pharmacopoeia does not describe extract of witch hazel and the label bore an incorrect declaration of alcohol. A second lot fell below the formulary requirements, since it contained less alcohol, and was of a higher specific gravity than the formulary product; this lot also bore an incorrect declaration of alcohol. Examination of the third lot showed that the bottles contained less than 16 ounces, the volume declared on the label. The labels of all four lots contained unwarranted curative and therapeutic claims.

On April 2, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 308 bottles of witch hazel at Hoboken, N. J., alleging that the article had been shipped in interstate commerce, in various shipments, 1 lot on or about September 26, 1933, 2 lots on or about February 28, 1934, and the remaining lot during the 6 months next preceding March 8, 1934, by the General Merchandise & Sales Co., from New York, N. Y., and charging adulteration and misbranding of portions of the article, and misbranding of the remainder, in violation of the Food and Drugs Act as amended. The article was labeled, variously: "Witch Hazel * * * Gotham Pharmaceutical Company, New York City"; "Triple Distilled Witch Hazel * * * Eastern Chemical Co., New York N. Y."; "Witch Hazel U. S. P. Double Distilled * * * Rector Pharmacal Co., Inc., New York."

Analyses of samples of the article by this Department showed: (Lot 1) the product complied with the requirements of the National Formulary; (lot 2)

the product complied with the requirements of the National Formulary, the average volume of nine alleged 16-ounce bottles was 15.1 fluid ounces; (lot 3) the product contained 9.7 percent of alcohol by volume and had a specific gravity of 0.987 at 25° C.; (lot 4) the product contained acetone, 11.9 percent alcohol by volume, and had a specific gravity of 0.984 at 25° C. (the Formulary requires that extract of witch hazel be free from acetone, contain not less than 14 percent of absolute alcohol by volume, and have a specific gravity of not more than 0.982 at 25° C.).

It was alleged in the libel that two of the lots were adulterated in that they were sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary; and their own standard of strength, quality, and purity was not declared on the containers.

Misbranding was alleged for the reason that the statement "Contents 16 Fl. Ozs.", borne on the label of one of the lots, was false and misleading. Misbranding was alleged with respect to a second lot for the reason that the statement, "Contains 14% Absolute Alcohol", was false and misleading; and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged with respect to a third lot for the reason that the following statements on the label were false and misleading: "Extract of Witch Hazel U. S. P Alcohol 14%." (The article is not described in the United States Pharmacopoeia.) Misbranding was alleged with respect to all four lots for the reason that the following statements on the labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Bottle label of 2 lots) "Indicated for the relief of Rheumatism * * * Piles Hemorrhoids, Etc."; (bottle label, 1 lot) "Indicated for the relief of rheumatism, * * * hemorrhages, etc."; (bottle label, 1 lot) "For * * * Lacerations, Swelled Face, * * * Ulcers, Sore Throat, * * * Etc. * * * in case of ulcers and sores."

On June 25, 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.*