

24531. Adulteration and misbranding of mineral oil. U. S. v. 35 Pints and 18 Quarts of Mineral Oil. Default decree of condemnation. Product delivered to Federal Institutions. (F. & D. no. 33639. Sample nos. 847-B, 11211-B.)

This case involved an interstate shipment of a product which was represented to be heavy mineral oil, but which failed to conform to the standard established by the United States Pharmacopoeia for heavy mineral oil. The labeling also contained unwarranted curative and therapeutic claims.

On August 30, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 pints and 19 quarts of mineral oil at Olympia, Wash. On October 16, 1934, an amended libel was filed and as amended covered 35 pints and 18 quarts of the product. The amended libel charged that the article had been shipped in interstate commerce in part on or about July 11, 1934, and in part on or about August 18, 1934, by the George E. Madison, Co., from San Francisco, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article had a kinematic viscosity of 0.282, whereas the United States Pharmacopoeia provides that heavy liquid petrolatum (heavy white mineral oil) have a kinematic viscosity of not less than 0.381.

The article was alleged to be adulterated in that it was sold under a name, "Mineral Oil * * * Heavy USP", synonymous with the name, "White Mineral Oil Heavy", 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.

Misbranding was alleged for the reason that the statement on the label, "Mineral Oil * * * Heavy USP", was false and misleading. Misbranding was alleged for the further reason that the following statement on the label, regarding the curative or therapeutic effects of the article, was false and fraudulent, "One or Two Tablespoonsfuls night and morning will keep the intestinal tract * * * in a healthy condition."

On February 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the marshal be authorized to deliver the product to the warden of the United States penitentiary, on McNeils Island.

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

24532. Misbranding of cod-liver oil. U. S. v. 862 Pint Bottles, et al., of Cod Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 33649. Sample nos. 11212-B, 11213-B.)

This case involved an interstate shipment of cod-liver oil the labels of which bore unwarranted curative and therapeutic claims.

On October 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 862 pint bottles and 143 quart bottles of cod-liver oil at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about June 13 and September 11, 1934, by McKesson, Langley, Michaels Co., Ltd., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Isdahl & Co Norwegian Cod Liver Oil Manufactured by Isdahl & Company Bergen, Norway * * * Midnightsun Cod Liver Oil * * * National Pharmacy Co. New York Memphis San Francisco."

The article was alleged to be misbranded in that the following statements, "Has been used for years as a treatment for chronic Rheumatism and Gout. It is said to be valuable in the treatment of Pulmonary Consumption. This oil has sometimes been used externally for certain skin diseases", "It exerts a stimulating and alterative influence on the processes of assimilation and nutrition, thereby aiding in the production of healthy tissue", and "Is recommended for * * * anaemics and various cases of mal-nutrition", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On January 19, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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