

24637. Misbranding of Va-Jel and Vaj-Aseptic. U. S. v. Alpha Laboratory, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 32167. Sample nos. 28200-A, 36501-A.)

This case was based on shipments of drug preparations which were misbranded because of unwarranted curative and therapeutic claims appearing in the labeling. The product Vaj-Aseptic was further misbranded because of unwarranted claims as to its alleged antiseptic, germicidal, and bacteria-destroying properties.

On January 7, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alpha Laboratory, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 5, 1932, from the State of Illinois into the State of Colorado, and on or about January 5, 1933, from the State of Illinois into the State of Wisconsin of quantities of Va-Jel and Vaj-Aseptic, respectively, which were misbranded.

Analyses by this Department showed that the Va-Jel consisted of a white semisolid mass containing boric acid (1.2 percent), gum tragacanth, lactic acid, glycerin, traces of oxyquinoline sulphate and oil of citronella, and water; and that the Vaj-Aseptic consisted essentially of sodium chloride (67.8 percent), sodium bicarbonate (28.14 percent), and small proportions of thymol and menthol.

The information charged that the articles were misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects appearing in the labeling, falsely and fraudulently represented that they were effective: (Va-Jel) to insure health and youth to wives and mothers; effective to insure youthful faces; effective to retain youthful freshness and beauty and to keep the body perfectly clean and sanitary and the mind free from worry and anxiety; effective as a preventive against disease; effective to keep the bloom of youth, prevent disease, and insure health and strength; and effective to cause the rapid elimination of bacteria, including leucorrhoea (whites) and disagreeable discharge; effective as a food for the tender walls; effective as a preventive of female irregularities; effective as a prophylactic and to heal the delicate membranes and tissues in the vaginal tract; effective as a treatment for subnormal or unhealthful conditions of the uterus and vagina, venereal diseases, nervousness, pain and discomfort, burning sensations, and mental depression; (Vaj-Aseptic) as a treatment for subnormal or unhealthful conditions of the uterus and vagina; effective as a treatment for infectious diseases, nervousness, pain and discomfort, burning sensations, mental depression, and weakness caused by irritations of the mucous membrane of the uterus and vagina; effective to keep the area healthy; effective as a treatment for whites, or leucorrhoea, and acrid discharges from inflamed mucous membranes; and effective to clean and heal the parts. Misbranding of the Vaj-Aseptic was alleged for the further reason that the following statements, (leaflet) "Vaj-Aseptic * * * for the vaginal douche—a cleansing, healing, bacteria-destroying powder to be used whenever needed", (circular) "Vaj-Aseptic is intended as a wholesome antiseptic * * * Dissolve two heaping teaspoonfuls of * * * Vaj-Aseptic * * * in a glass or cup of hot water", and (carton) "Vaj-Aseptic A Vaginal Douche Powder * * * One heaping teaspoonful of Vaj-Aseptic must be used for each quart of warm water", were false and misleading, since the said article when used as directed was not aseptic, was not a harmless antiseptic, and was not a germicide, namely, a cleansing, healing, bacteria-destroying powder.

On April 24, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24638. Adulteration and misbranding of fluidextract of aconite. U. S. v. 5 Bottles of Fluidextract of Aconite. Default decree of condemnation and destruction. (F. & D. no. 32754. Sample no. 64345-A.)

This case involved a shipment of fluidextract of aconite which was found to have a potency of not more than 29 percent of that required by the National Formulary. The labeling of the product also bore unwarranted curative and therapeutic claims.

On May 24, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 bottles of fluidextract of aconite at Lafayette, Ind., alleging that the article had been shipped in interstate commerce on or about June 11, 1931, by Allaire Woodward

& Co., from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fluidextract Aconite Root * * * N. F. Fifth."

The article was alleged to be adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength as determined by test laid down in the National Formulary, and its own standard was not stated upon the bottles containing the said article.

Misbranding was alleged for the reason that the statement, "Fluidextract Aconite Root * * * N. F. Fifth", was false and misleading, since it was not of the standard of strength laid down in the National Formulary. Misbranding was alleged for the further reason that the statements, "Used with benefit in rheumatism, gout, neuralgia and catarrhal affections", borne on the label, were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On April 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24639. Misbranding of Trunk's Prescription. U. S. v. 71 Packages of Trunk's Double Prescription, et al. Default decree of condemnation and destruction. (F. & D. no. 32842. Sample nos. 66796-A, 66797-A.)

This case involved an interstate shipment of Trunk's Prescription and Adecta Liniment the labeling of which contained unwarranted curative and therapeutic claims. Analysis showed that Trunk's Prescription contained a drug which might be harmful.

On June 13, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 packages of Trunk's Double Prescription, each package containing 1 bottle of Trunk's Prescription (Liquid) and 1 tube of Adecta Liniment, and 143 bottles of Trunk's Prescription (Liquid) at Great Falls, Mont., alleging that the articles had been shipped in interstate commerce on or about October 13, 1928, by Trunk Bros. Drug Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that Trunk's Prescription (Liquid) was composed of potassium iodide (2.9 grams per 100 milliliters), extracts of plant drugs including colchicum and a laxative drug, alcohol, and water; and that the Adecta Liniment was composed of mustard oil, camphor, and a trace of phenol incorporated in petrolatum.

The articles were alleged to be misbranded in that the following statements appearing on the labeling were statements regarding the curative and therapeutic effects of the articles and were false and fraudulent: (Carton, Double Prescription) "This package contains a bottle of Trunk's Liquid Prescription and a tube of Trunk's Adecta Liniment which we recommend in the treatment of Rheumatism * * * is recommended by us in the treatment of Rheumatism * * * We recommend Trunk's Double Prescription in the treatment of Acute and Chronic Rheumatism Arthritis (Rheumatic or Gouty in character) Lumbago Nodes (A hard concretion formed around gouty or rheumatic joints) Rheumatism Rheumatism * * * (Those more chronic conditions of disturbed metabolism known variously as uric acid diatheses) * * * does not require dieting"; (carton, Prescription (Liquid)) "We recommend this prescription as a general * * * tonic and in the treatment of such forms of rheumatism and skin diseases as arise from a deranged condition of the blood. * * * Trunk's Adecta Liniment is Recommended for Local Application, Especially in Conjunction with Trunk's Liquid Prescription, in the Treatment of Rheumatism * * * We recommend Trunk's Prescription in the treatment of Acute and chronic Rheumatism. Arthritis (Rheumatic or Gouty in character.) Lumbago Nodes (A hard concretion formed around gouty or rheumatic joints. Rheumatism Rheumatism * * * (Those more chronic conditions of disturbed metabolism known variously as uric acid diatheses) * * * does not require dieting"; (Adecta Liniment, label and small circular) "* * * force out as much of the Adecta as required to cover the painful parts"; (small circular, both products) "Eat all the meat and all the good food you desire, avoiding only acids, such as lemons and vinegar [user is led to believe by this statement that he can eat all foods except acids such as lemons and vinegar without fear of any harmful results when taking this medicine as directed]"; (large circular, both products) "Rheumatism The average person prefers the sure