

as amended, on or about September 9 and October 16, 1933, from Columbus, Ohio, to two destinations in the State of Missouri, of quantities of Antiseptic Capsules, Special Treatment for Diabetis, and Gold Seal Vegetable Compound for Women, which were misbranded, the Antiseptic Capsules being also adulterated. The articles were labeled in part: (Bottles) "Antiseptic Capsules Price \$3.00 * * * Manufactured by Midwest Remedies Corp. St. Louis, Mo."; "Special Treatment for Diabetis * * * Price \$5.00"; "Gold Seal Vegetable Compound For Women * * * Alcohol not over 15% * * * Manufactured by Gold Seal Products Co. Columbus, Ohio."

Analyses showed that the Antiseptic Capsules consisted essentially of sodium chloride, borax, sodium bicarbonate, salicylic acid, volatile oils including cassia oil, thymol, menthol, and red coloring matter, and that the article was not an antiseptic when used as directed; that the Special Treatment for Diabetis consisted essentially of Rochelle salt (4.23 grams per 100 milliliters) and water flavored with cassia oil; that the Gold Seal Vegetable Compound for Women consisted essentially of extracts of plant drugs including berberis and laxative drugs, a benzoate, a salicylate, saccharin, phosphoric acid, alcohol (14 percent by volume), and water.

The Antiseptic Capsules were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that they were not antiseptic as claimed.

The same article was alleged to be misbranded in that the labels on the bottles bore false and fraudulent statements that the capsules were effective, among other things, as a treatment, remedy, and cure for tonsillitis, laryngitis, quinsy, sore and ulcerated throat and mouth, and were further misbranded in that the statement, "Antiseptic Capsules", appearing on the labels of the bottles, was false and misleading.

The Special Treatment for Diabetis was alleged to be misbranded in that the label on the bottle bore false and fraudulent statements that the article was effective, among other things, as a treatment for diabetes.

The Gold Seal Vegetable Compound for Women was alleged to be misbranded in that the labels on the bottles and cartons bore false and fraudulent statements that the article was effective, among other things, as a treatment for nonsurgical cases of weakness and disorders of the female generative organs; effective as a general system builder for women, and effective as a treatment, remedy, and cure for female weakness and for weak, ailing women. Misbranding was further alleged in that the label on the package failed to bear a plain and conspicuous statement of the quantity or proportion of alcohol in the article.

On December 3, 1935, a plea of guilty was entered and a fine of \$10 was imposed.

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

25078. Adulteration and misbranding of Dovola Ointment Zinc Oxide, Dovola Throat Gargle, Dovola Milk Magnesia, Dovola Mouth Wash, and Dovola Wild Cherry Expectorant; and misbranding of Dovola Carbolic Salve, Cod Liver Oil, Dovola Vegetable Laxative Tablets, Dovola Special Tonic Pills, Healcidine Health Salts, Dovola Analgesic Balm, Dovola Eczema Ointment, Dovola Special Pills, Dovola Witch Hazel Salve, and Dovola Creol. U. S. v. John J. Smith (Dovola Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. no. 33870. Sample nos. 57923-A, 59116-A, 59127-A to 59133-A, incl., 59195-A to 59200-A, incl.)

These drugs were all misbranded because of unwarranted curative and therapeutic claims in the labeling. The following products were also adulterated and further misbranded: the zinc oxide ointment and milk of magnesia were below the pharmacopoeial requirements; the throat gargle and wild cherry expectorant fell below their own professed standard; the mouth wash did not possess the antiseptic properties claimed.

On February 6, 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 John J. Smith, trading as the Dovola Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended on or about March 31, May 10, November 18, and November 25, 1933, from the State of Illinois into the State of Missouri of quantities of the following-described drugs which were misbranded and certain of which were also adulterated. The articles were labeled in part: "Dovola Carbolic Salve [or "Vegetable Laxative Tablets", "Special Tonic Pills",

"Ointment Zinc Oxide U. S. P.", "Analgesic Balm", "Throat Gargle", "Milk Magnesia * * * U. S. P.", "Eczema Ointment", "Special Pills", "Mouth Wash", "Wild Cherry Expectorant", "Witch Hazel Salve", or "Creol"] * * * The Dovola Co., Chicago"; "Healcidine Health Salts * * * Dovola Company"; "Norwegian Cod Liver Oil * * * Nestor Drug and Chemical Co., Chicago, Ill."

Analyses showed the following facts: The carbolic salve consisted of phenol, (2 percent) incorporated in an ointment base; the vegetable laxative tablets contained extracts of plant drugs including nux vomica; the special tonic pills contained a phosphide; the ointment zinc oxide contained zinc oxide (not more than 17.5 grams per 100 grams); the Healcidine Health Salts consisted essentially of sodium bicarbonate (28.5 percent), magnesium sulphate (21.3 percent), potassium bitartrate (22.4 percent), tartaric acid (17.9 percent), sodium phosphate (8.8 percent), and starch (1.4 percent); the analgesic balm consisted essentially of methyl salicylate (3.5 percent) incorporated in petrolatum; the throat gargle consisted of small proportions of ferric chloride and potassium chlorate dissolved in a mixture of water and glycerin (phenol, glycerite of tannin, solution of formaldehyde, and oil of wintergreen were absent); the milk of magnesia contained less than 7 percent of magnesium hydroxide, namely, 6.7 percent of magnesium hydroxide; the eczema ointment was a yellow semisolid containing bismuth subcarbonate, zinc oxide, and sulphur in an ointment base; the special pills contained extracts of plant drugs and potassium nitrate; the mouth wash contained small proportions of menthol, thymol, and zinc chloride in water (bacteriological examination showed that it was not an antiseptic mouth and throat gargle when used as directed); the wild cherry expectorant consisted essentially of extracts of plant drugs, glycerin, sugar, and water (no tartar emetic was present); the witch hazel salve consisted essentially of a small proportion of camphor incorporated in petrolatum; the Creol consisted of water, soap, phenols, glycerin, and a small amount of neutral oils; the remaining product was cod-liver oil.

The Ointment Zinc Oxide and Milk Magnesia were alleged to be adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia in the following respects: The Ointment Zinc Oxide contained in each 100 grams not more than 17.5 grams of zinc oxide, whereas the pharmacopoeia provides that zinc oxide ointment shall contain not less than 20 grams of zinc oxide per 100 grams. The Milk Magnesia contained less than 7 percent, namely, not more than 6.7 percent of magnesium hydroxide, whereas the pharmacopoeia provides that milk of magnesia shall contain not less than 7 percent of magnesium hydroxide; and the standard of strength, quality, and purity of the articles was not declared on the container. Adulteration was alleged with respect to the following products in that their strength and purity fell below the professed standard and quality under which they were sold, viz: The Ointment Zinc Oxide was represented to conform to the standard laid down in the United States Pharmacopoeia and to contain 20 percent of zinc oxide, whereas it did not conform to the standard laid down in the pharmacopoeia and contained less than 20 percent of zinc oxide; the Milk Magnesia was represented to conform to the standard laid down in the United States Pharmacopoeia, whereas it did not conform to the standard laid down in the pharmacopoeia; the throat gargle was represented to contain in each fluid ounce a proportionate amount of phenol, glyceride of tannin, [glycerite of tannin] solution of formaldehyde, and oil of wintergreen, whereas it contained no phenol, glycerite of tannin, solution of formaldehyde, or oil of wintergreen; the mouth wash was represented to be an antiseptic mouth and throat gargle when used as directed, whereas it was not an antiseptic mouth and throat gargle when used as directed; the wild cherry expectorant was represented to contain a representative amount of tartar emetic, whereas it contained no tartar emetic.

Misbranding of all products was alleged for the reason that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that the carbolic salve was effective as a treatment, remedy, and cure for sores, ulcers, and itches, and effective as a treatment, remedy, and cure for severe cases of sores, ulcers, and itches; that the cod-liver oil was effective as a treatment, remedy, and cure for consumption and all pulmonary affections, emaciation, and debility arising from disease; that the vegetable laxative tablets were effective

as a treatment, remedy, and cure for disorders of the stomach and liver, biliousness, dizziness, sick headache, dyspepsia, indigestion, vertigo, habitual constipation, and bilious attacks; effective to have special action on the liver, to restore the torpid liver to its normal condition, create a healthy action of the digestive organs and cure constipation by securing prompt and regular operations of the bowels; effective to exert a powerful influence on the liver and to restore the liver to its normal functions; effective as a treatment, remedy, and cure for habitual biliousness and dyspepsia; that the special tonic pills were effective as a valuable remedy for building up the blood and aiding in the restoration of shattered nerve forces; and effective to purify the blood, cleanse the system, and act surely but gently on the liver; that the Ointment Zinc Oxide was effective as a treatment for all sorts of inflammatory conditions of the skin such as eczema and inflamed surfaces; that the Healcidine Health Salts was effective as a health salts; effective as a treatment, remedy, and cure for biliousness, boils, pimples and rheumatism; effective to insure health, prevent constipation, to tone up the liver and kidneys, and to keep the stomach clean; and effective as a tonic; that the analgesic balm was effective as a relief for rheumatism, sciatica, lumbago, chest colds, and other painful affections; that the throat gargle was effective as a treatment for sore throat; that the Milk Magnesia was effective as a corrective; effective to relieve dyspepsia, indigestion, nausea, vomiting, rheumatism, and gout; and effective to correct uric acid conditions; that the eczema ointment was effective as a treatment, remedy, and cure for every form of eczema, tetter, pimples, itch, redness of the skin, and other skin diseases; that the Special Pills were effective as a valuable remedy for pain in back, weak kidneys, inflammation of the bladder, backache, scalding urine, too frequent desire to urinate, gravel, deadly kidney diseases, Bright's disease, weak and diseased kidneys, many fatal diseases due to kidney trouble, uric acid poison, scanty or odorous urine, depressed and tired feeling, aching limbs, restlessness at night, irritability, continuous thirst, pains in the groin, brick dust or sediment in the urine, burning sensation, backache or weak back, irritation of the bladder, gallstones, diabetes, kidney troubles, continuous discharges, leucorrhea or whites, severe urinary troubles, dragging pains, aching joints, bed wetting, rheumatic pains, gleet, and highly colored urine; effective to assist the kidneys in passing off uric acid poison from the system and effective to soothe the irritated and inflamed delicate organs of women; and effective as an antiseptic in cases of venereal and gonorrhoeal affections; that the mouth wash was effective as a treatment, remedy, and cure for tonsillitis, catarrh, bad breath, sore mouth, pyorrhoea, and sore throat; that the wild cherry expectorant was effective as a remedy for various affections of the throat such as coughs, croup, hoarseness, and bronchitis; that the witch hazel salve was effective as a treatment for sores, ulcers, and itch; and effective as a treatment for severe cases of sores, ulcers, and itch; and that the Creol was effective as a treatment, remedy, and cure for skin eruptions.

Misbranding was alleged with respect to certain products for the further reason that the following statements appearing in the labeling were false and misleading: (Ointment Zinc Oxide) "Ointment Zinc Oxide U. S. P. Contains Zinc Oxide 20%"; (throat gargle) "Each fluid ounce represents a proportionate amount of Phenol, Glyceride of Tannin, Sol. of Formaldehyde, Oil Wintergreen"; (Milk Magnesia) "Milk Magnesia * * * U. S. P."; (mouth wash) "An excellent * * * antiseptic * * * for mouth and throat gargle * * * Directions"; (wild cherry expectorant) "Each Fluid ounce contains a representative amount of * * * Tartar Emetic."

The information also charged that the Creol was further misbranded under the Insecticide Act of 1910, reported in notices of judgment published under that act.

On November 15, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs for violation of both acts.

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

25079. Misbranding of Shavegrass Cut and Juniper berries. U. S. v. Regina Rieppel, trading as Miss R. Regina. Plea of nolo contendere. Fine, \$40 with remission of \$25 thereof. (F. & D. no. 33874. Sample nos. 51642-A, 51643-A.)

Unwarranted curative and therapeutic claims were made for these articles. On September 5, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in