

Massachusetts, and charging misbranding in violation of the Food and Drugs Act. Certain bottles were labeled in part, "Rubbing Alcohol Compound Isopropyl Alcohol 70 Proof * * * Bond Laboratories New York—Chicago"; other bottles were labeled in part, "Dr. Wards Rubbing Alcohol 70 Proof Isopropyl Alcohol Hospital Brand * * * Bond Laboratories New York."

Misbranding of the rubbing alcohol compound was alleged in that the statement on the label "Rubbing Alcohol Compound" was false and misleading, since it created the impression that the article contained ordinary (ethyl) alcohol; whereas it was a mixture of isopropyl alcohol and water, and the erroneous impression thus created was not corrected by the relatively inconspicuous statement on the label, "Isopropyl Alcohol 70 Proof." Misbranding of the rubbing alcohol was alleged in that the statement on the label, "Rubbing Alcohol," was false and misleading since the article contained no ordinary (ethyl) alcohol and consisted essentially of isopropyl alcohol, acetone, and water; in that the article was an imitation of and was offered for sale under the name of another article. Misbranding was alleged with respect to both products for the further reason that the labels failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "70 Proof Isopropyl Alcohol" was meaningless.

On March 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26164. Adulteration and misbranding of Athlete's Rub Alcohol Compound. U. S. v. 127 Dozen Bottles of Athlete's Rub Alcohol Compound and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37154, 37155. Sample nos. 43899-B, 44023-B.)

This article failed to conform to its professed standard; and its label created the erroneous impression that it contained ethyl alcohol, and did not bear a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 5, 1936, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 127 dozen bottles and 129 dozen bottles, respectively, of Athlete's Rub Alcohol Compound at Fall River, Mass., alleging that the 127 dozen bottles had been shipped in interstate commerce on or about November 26, 1935, by the Outlet Merchandise Co., from Brooklyn, N. Y.; that the 129 dozen bottles had been shipped by the same company on or about November 22, 1935, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Athlete's Rub Alcohol Compound * * * Athletic Supply Company, Brooklyn, N. Y."

Adulteration of the article was charged in each case under the allegation that its purity fell below the standard under which it was sold, namely, "Alcohol Compound 70 Proof", that the article was not composed essentially of ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water, and that it did not contain 70 percent of alcohol, nor 70 proof alcohol.

Misbranding of the article was charged in each case, (a) under the allegation that the label on the bottle bore the statement "Alcohol Compound 70 Proof" and that said statement was false and misleading in that the article did not contain ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water; (b) and under the allegation that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On March 23, 1936, no claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered in each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26165. Misbranding of Athlete's Rub Alcohol Compound. U. S. v. 58 Dozen Bottles of Athlete's Rub Alcohol Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37159. Sample no. 43900-B.)

The label of this article bore erroneous statements concerning both its ingredients and the quantity of the contents of its bottle container and was without a statement as to the proportion of alcohol in the article.

On February 11, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court a libel praying seizure and condemnation of a quantity of Athlete's Rub Alcohol Compound at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1935, by the Tou Jour Supply Co., from Brooklyn, N. Y., into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Athlete's Rub Alcohol Compound * * * Athletic Supply Co. Brooklyn, N. Y."

Misbranding of the article was charged (a) under the allegation that the label bore the statement "Alcohol Compound 70 Proof", and that said statement was false and misleading in that the article contained no ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water; (b) under the allegation that the statement on the label, "16 Fl. Ozs.", was false and misleading in that the package contained less than 16 fluid ounces; (c) under the allegation that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On March 9, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26166. Misbranding of APCO No. 36 Antiseptic Suppositories. U. S. v. 6 Dozen Packages of APCO No. 36 Antiseptic Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37163. Sample nos. 43750-B, 44096-B.)

The label of this article bore erroneous statements concerning its action when used as directed and false and fraudulent curative and therapeutic claims were made for the article.

On February 6, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of APCO No. 36 Antiseptic Suppositories at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 27 and December 24, 1935, by the Ampere Products Co., from West Orange, N. J., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "APCO No. 36 Antiseptic Suppositories."

Analysis showed that the article consisted of gelatin capsules containing essentially boric acid, quinine sulphate, and theobroma oil.

Misbranding of the article was charged (a) under the allegation that a circular enclosed in the package bore the following statements and that said statements were false and misleading: "An APCO No. 36 capsule, when placed high up in the vaginal tract, quickly starts to dissolve from the heat and moisture of the body, releasing active medicinal ingredients, which give off certain antiseptic gases. This gaseous fluid penetrates to every crevice of the vaginal tract, * * * It is a deodorizer * * * APCO No. 36 being a definite chemical compound, * * * contain no grease * * * They are far superior to greasy suppositories"; (b) under the allegation that a circular enclosed in the package contained statements regarding the curative and therapeutic effects of the article and that said statements were false and fraudulent, to wit: "Safe * * * Harmless Modern women realize that correct feminine hygiene is the most important thing * * * and that health, * * * depends upon it. * * * gives complete antiseptis * * * to destroy pathogenic germs in a few seconds * * * This gaseous fluid penetrates to every crevice of the vaginal tract, making it clean and free of germ-laden accumulations, giving complete protection against obnoxious germs for several hours. * * * It has never damaged any delicate membranes, * * * contains no injurious or irritating ingredients * * * It not only affords immunity from infection, specific or otherwise, but will aid in healing delicate tissues and membranes. It is also used in the treatment of leucorrhoea (whites), vaginitis, * * * inflammation, etc."

On March 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26167. Adulteration and misbranding of cod-liver oil. U. S. v. 3,000 Bottles of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 37164. Sample no. 39994-B.)

This case involved an interstate shipment of cod-liver oil, which differed from the standard of strength, quality, and purity of cod-liver oil as determined by the test laid down in the United States Pharmacopoeia.