

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.

On February 6, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,000 bottles of cod-liver oil at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about November 19, 1935, by the Purepac Corporation from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under or by a name 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 pharmacopoeia.

The article was alleged to be misbranded in that the statement, "Cod Liver Oil \* \* \* U.S.P. 10th Revision", appearing on the label, was false and misleading when applied to an article containing undestearinated cod-liver oil and material that was insoluble in chloroform.

On April 1, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

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

**26168. Misbranding of Deo Dennis Eucalyptus Ointment. U. S. v. 105 Jars and 33 Tubes, and 408 Packages of Deo Dennis Eucalyptus Ointment. Default decrees of condemnation and destruction. (F. & D. nos. 37174, 37216. Sample nos. 60657-B, 60719-B.)**

These cases involved interstate shipments of Deo Dennis Eucalyptus Ointment the package label of which and an accompanying circular bore and contained false and fraudulent statements regarding its curative or therapeutic effect.

On February 11, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 jars and 33 tubes of Deo Dennis Eucalyptus Ointment at Salt Lake City, Utah; and on February 18, 1936, the United States attorney for the District of Colorado similarly filed a libel praying seizure and condemnation of 408 packages of an article so labeled at Denver, Colo. It was alleged that the article had been shipped in interstate commerce on or about June 28 and November 29, 1935, and January 4, 1936, by the Davis Eucalyptus Laboratories from Oakland, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of eucalyptus oil with small amounts of menthol, camphor, and sassafras oil incorporated in an ointment base.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the label of the jars containing the article, and contained in circulars accompanying the jars and the tubes containing the article, falsely and fraudulently represented that the article was effective as a treatment and remedy for chest colds, nasal catarrh, bronchial catarrh, head noises, catarrhal deafness, asthma, hay fever, influenza, eczema, muscular stiffness, muscular pain, and muscular exhaustion; and effective for healing wounds, sores, carbuncles, boils, and itching piles.

On March 28 and April 24, 1936, no claimant having appeared in either case, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

**26169. Misbranding of Videx. U. S. v. 27 Dozen Packages of Videx. Default decree of condemnation and destruction. (F. & D. no. 87182. Sample no. 46192-B.)**

This case involved an interstate shipment of Videx the labeling of which contained false and fraudulent representations regarding its curative or therapeutic effects, and false and misleading representations as to its safe and harmless character.

On February 10, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 dozen packages of Videx at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 17, 1935, by Grove Laboratories, Inc., from St. Louis, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended.