

commerce on or about October 23, 1936, by Strong Cobb & Co., Inc., from Cleveland, Ohio., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing 2.1 grains of acetylsalicylic acid, 1.7 grains of acetophenetidin, 0.25 grain of caffeine, and plant material including viburnum.

It was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely (on slip inside of tin box), "Each tablet contains 2 gr. Acetophenetidin", since it contained less than 2 grains of acetophenetidin per tablet.

The article was alleged to be misbranded in that the statement on the slip, "Each tablet contains 2 gr. acetophenetidin"; was false and misleading, since it contained less than 2 grains of acetophenetidin. It was alleged to be misbranded for the further reason that the tin box containing it failed to bear a statement on the outside of the quantity or proportion of acetophenetidin, a derivative of acetanilid, that it contained. It was alleged to be misbranded further in that the following statements appearing in the labeling were statements regarding its curative or therapeutic effects and were false and fraudulent: (Wholesale carton) "Prompt Relief From Menstrual Pain For Relief from Menstrual Pain"; (retail tin) "For Prompt Relief of Menstrual Pain"; (leaflet) "A Specially Developed Formula Gay, perfected over a period of years and subjected to thousands of tests, bears unqualified endorsement and recommendation for relief in the treatment of menstrual pain due to normal causes. Gay contains no harmful drugs or narcotics—is non-habit forming—May be used with utmost confidence. Dose: One or two tablets taken with water. Repeat in one hour if necessary. (Note: Gay is not intended to cure menstrual disorders of long standing. Where the case is extremely stubborn or irregular, see your physician.) * * * is the modern way to relieve menstrual pain."

On January 12, 1937, 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.*

26988. Adulteration and misbranding of Surgical Gauze Bandage and Surgical Gauze. U. S. v. 150 Cartons of Surgical Gauze Bandage and 150 Packages of Surgical Gauze. Default decree of condemnation and destruction. (F. & D. nos. 38779, 38780. Sample nos. 17435-C, 17437-C, 17438-C.)

These products were represented on the label to be sterile when they were not sterile, but were contaminated with viable aerobic and anaerobic bacteria.

On December 10, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cartons of an article labeled "Surgical Gauze Bandage" and 150 packages of another article, labeled "Surgical Gauze", at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about October 26, 1936, by Handy Pad Supply Co., from Worcester, Mass., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The Surgical Gauze Bandage was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Surgical Gauze Bandage * * * Sterilized * * * This bandage has been carefully manufactured * * * for surgical use", in that the article was not sterile, but was contaminated with viable aerobic and anaerobic bacteria. Said article was alleged to be misbranded (1) in that the statements, "Surgical Gauze Bandage * * * Sterilized" and "This bandage has been carefully manufactured * * * for surgical use", borne on the label, were false and misleading in that it was not sterile and was not suitable for surgical use because it was contaminated with viable micro-organisms, and (2) in that the statement, "Guarantee Truss Co. 641 Amsterdam Avenue 3-4 E. 116th to 449 E. 149th Sts.", borne on the package, was false and misleading in that the name and address stated were not the name and address of the manufacturer of the article.

The Surgical Gauze was alleged to be adulterated in that its purity fell below the professed standard under which it was sold, namely, "Surgical Gauze * * * Sterilized", in that it was not sterile, but was contaminated with viable aerobic and anaerobic bacteria. Said article was alleged to be misbranded in that the statement, "Guarantee Surgical Gauze * * * Steri-

lized", was false and misleading in that it was not sterile, but was contaminated with viable micro-organisms.

On December 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

26989. Adulteration and misbranding of sterilized bandages. U. S. v. 74 Packages of Home-Need Sterilized Bandage. Default decree of condemnation and destruction. (F. & D. no. 38798. Sample no. 6786-C.)

These bandages were represented to be sterile but were not sterile, since they contained viable aerobic and anaerobic micro-organisms, including a gas-forming species.

On December 11, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 packages of Home-Need Sterilized Bandage at New Orleans, La., alleging that it had been shipped in interstate commerce on or about October 6, 1936, by the Reliable Merchandise Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Home-Need Sterilized Bandage."

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Sterilized Bandage", since it was not sterile but contained viable aerobic and anaerobic micro-organisms.

It was alleged to be misbranded in that the statement on the label, "Home-Need Sterilized Bandage", was false and misleading when applied to an article that was not sterile.

On January 6, 1937, 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.*

26990. Misbranding of Sphinx Herb Tea. U. S. v. 573 Packages of Sphinx Herb Tea. Default decree of condemnation and destruction. (F. & D. no. 38799. Sample no. 6684-C.)

The labeling of this preparation contained false and fraudulent curative and therapeutic claims.

On December 16, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 573 packages of Sphinx Herb Tea at New Orleans, La., alleging that it had been shipped in interstate commerce on or about November 18, 1936, by the Argyle Laboratories from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of senna leaves and pods with small amounts of fennel seed, anise seed, elder flowers, buckthorn bark, dog grass, orange peel, ginger root, and safflowers.

It was alleged to be misbranded in that the following statements appearing on the retail carton were statements regarding its curative or therapeutic effects, and were false and fraudulent: "Alterative * * * Through its laxative action aids in relieving—* * * Pimples Dizziness Toxemia Minor Eruptions Bad Breath Colitis * * * Digestive Disturbances Fatigue When due to faulty elimination or temporary constipation and because of its diuretic properties it tends to increase kidney and bladder elimination. * * * Formerly Called Munk's System Purifier Sphinx Herb Tea aids in stimulating the digestive organs and relieving the discomforts due to temporary constipation. * * * contains no injurious or habit forming drugs."

On February 6, 1937, 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.*

26991. Misbranding of Nasal Relief. U. S. v. 175 Cartons of Nasal Relief. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 38816. Sample no. 4976-C.)

The carton labels of this preparation failed to bear a statement of the quantity or proportion of chlorobutanol, a derivative of chloroform, contained in it;