

28360. Misbranding of P. & S. Brand Sani-Strips. U. S. v. 12 Dozen Packages of P. & S. Brand Sani-Strips. Default decree of condemnation and destruction. (F. & D. No. 40709. Sample No. 62987-C.)

This product was labeled "Waterproof" and was also labeled to indicate that it was sterile; whereas it was not sterile, but contained viable micro-organisms and contained holes through which water could penetrate.

On November 10, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 dozen packages of P. & S. Brand Sani-Strips at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 21, 1937, by the American White Cross Laboratory from New Rochelle, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "Physicians and Surgeons Sani-Strips," borne on the metal container and the wrapper around the individual bandage; the statements, "Emergency Bandages," "Hospital Quality," and "Surgical Quality," borne on the metal container, and the statement "Waterproof," borne on the metal container and wrapper, were false and misleading as applied to bandages which were not sterile but were contaminated with viable micro-organisms, and which contained holes through which water might readily pass.

On December 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28361. Adulteration and misbranding of Cristallovar I.B.I. U. S. v. 56 Bottles of Cristallovar I.B.I. Default decree of condemnation and destruction. (F. & D. No. 40263. Sample No. 38636-C.)

This product was represented to contain 300 international units of follicular hormone per cubic centimeter, but contained less than 93 international units. It contained alcohol, which was not properly declared.

On September 13, 1937, 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 56 bottles of Cristallovar I.B.I. at New York, N. Y., alleging that the article had been shipped from Milan, Italy, by Istituto Biochimico Italiano on or about September 12, 1936, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Cristallovar contains the follicular hormone obtained from fresh ovary glands * * * Each c.c. contains 300 international units."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, viz, "Cristallovar I.B.I.," "Each cc contains 300 international units," since its potency per cubic centimeter was appreciably less than the stated number of international units of follicular hormone.

The article was alleged to be misbranded in that the foregoing statements were false and misleading. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the articles since no statement appeared on the bottle label, and the statement on the carton was not in terms of percentage by volume of the absolute alcohol.

On October 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28362. Misbranding of Ourine Nasal Balm and Ourine Application for the Ears. U. S. v. Aurine Co., Inc., Milton W. Folds, Charles G. Foucek, and Jessie D. Folds. Pleas of nolo contendere. Fines, \$200. (F. & D. No. 39752. Sample Nos. 2201-C, 2202-C, 2203-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On October 22, 1937, 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 Aurine Co., Inc., Chicago, Ill., and Milton W. Folds, Charles G. Foucek, and Jessie D. Folds, officers of the corporation, alleging shipments by said defendants in violation of the Food and Drugs Act as amended, on or about October 5, 1936, and January 11, 1937,

from the State of Illinois into the State of Texas, of quantities of Ourine Nasal Balm and Ourine Application for the Ears which were misbranded. The articles were labeled in part: "Prepared by Aurine Co. Chicago, Ill."

Analysis showed that the nasal balm consisted essentially of mineral oil containing small proportions of menthol and methyl salicylate colored with a green dye; and that the application for the ears consisted essentially of glycerin, boric acid, extracts of plant drugs, and volatile oils including oil of lavender.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their therapeutic or curative effects falsely and fraudulently represented that they were effective to keep the nasal passages in a healthy condition and to cleanse the nose and to check catarrhal conditions; and effective as a treatment, remedy, and cure for head noises, partial deafness, running ear, and buzzing and ringing of ears due to nasal catarrh and infections of the Eustachian tubes and middle ear; and that the nasal balm was effective to keep the nasal passages clean and germ free.

On December 14, 1937, pleas of nolo contendere were entered on behalf of the defendants and the court imposed a fine of \$50 against each, a total of \$200.

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

28363. Misbranding of Protex. U. S. v. 105 Packages of Protex. Consent decree of condemnation and destruction. (F. & D. No. 40451. Sample No. 42947-C.)

The label of this product contained false and fraudulent misrepresentations regarding its curative and therapeutic effects.

On October 8, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 packages of Protex at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 11 and 24, 1937, by the Tex Products Co. from Wheeling, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a small amount of a chlorine-liberating product in an effervescent base.

It was alleged to be misbranded in that the labeling contained false and fraudulent representations regarding its effectiveness in promoting health and in the treatment of vaginitis (inflammation of the vagina), metritis (inflammation of the neck of the womb), endometritis, or any of the following symptoms: Vaginal discharge, burning urine, backache, periodic headaches, nervousness, excitability, feeling of loneliness, dull pains in groin, loss of appetite, depleted energy, loss of weight, crinkly skin, lack of sexual desire, irregular or painful menstruation, premature menstruation, ulcers, cysts, ovarian disorders, enlarged or swollen womb, bladder disorders, irregularity at puberty or at menopause (change of life), low vitality, constipation, kidney and bladder disorders, dark, sallow complexion, pimples on face, neck and arms, languid, lifeless feeling, and other functional disturbances.

On January 28, 1938, the consignor having consented to the destruction of the product, it was condemned and ordered destroyed.

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

28364. Adulteration and misbranding of ether. U. S. v. 55 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 40747. Sample Nos. 9630-C, 9642-C.)

Samples of this product were found to contain peroxide.

On November 12, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cans of ether at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by the Mallinckrodt Chemical Works from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under 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 said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the container.