

30618. Misbranding of Nichol's Lung Life. U. S. v. 17 Bottles of Nichol's Lung Life. Default decree of condemnation and destruction. (F. & D. No. 44387. Sample No. 38701-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On November 26, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bottles of Nichol's Lung Life at Shelby, Miss.; alleging that the article had been shipped in interstate commerce on or about November 3, 1938, by Nichols Chemical Co. from Memphis, Tenn.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, sugar, alcohol, and extracts of plant materials including licorice.

The article was alleged to be misbranded in that the following statements on the bottle label regarding its curative or therapeutic effects were false and fraudulent: "Lung Life for that Cough," "Helps Clean the Blood," "A Special Lung Preparation for relieving all Lung Trouble, Coughs, Pneumonia, Bronchial Trouble, Spitting Blood, Asthma, Pellagra, and all Catarrhal conditions of the system," and "Especially recommended for Deep-seated colds on the Lungs, Coughs, Pneumonia, Asthma, Pellagra, Nervousness, Female Weakness and all Catarrhal conditions of the System. A few doses will convince you of its helping power."

On January 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30619. Adulteration and misbranding of Smaco Carotene in Oil. U. S. v. 420 Cartons, 192 Cartons, and 284 Cartons of Smaco Carotene in Oil. Default decree of condemnation and destruction. (F. & D. Nos. 41693, 41695. Sample Nos. 2905-D, 40078-C.)

This product contained a smaller amount of vitamin A than that declared on the label.

On February 14, 1938, 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 896 cartons of Smaco Carotene in Oil at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about September 29 and December 2, 1937, from Cleveland, Ohio, by S. M. A. Corporation; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (one shipment) "Gelatin capsules, each having a biological potency not less than 4000 new U. S. P. units of vitamin A (U. S. P. X-1934 revision)," or (other shipment) "Gelatin capsules, each having a biological potency not less than 4000 new U. S. P. units of vitamin A," in that each capsule was equivalent to less than 3,000 U. S. P. units of vitamin A.

Misbranding was alleged in that the following label statements were false and misleading when applied to an article consisting of capsules of an oil solution of carotene, each capsule being equivalent to less than 3,000 U.S.P. units of vitamin A: (One shipment) "Gelatin capsules, each having a biological potency of not less than 4000 new U.S.P. units of vitamin A (U.S.P. X-1934 revision)"; (other shipment) "Gelatin capsules, each having a biological potency not less than 4000 new U.S.P. units of vitamin A."

On May 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30620. Adulteration and misbranding of Normal Nux and Mercurial Eye Ointment; misbranding of santonin and calomel tablets. U. S. v. Norden Laboratories. Plea of guilty. Fine, \$100. (F. & D. No. 42677. Sample Nos. 15290-D, 15292-D, 15294-D.)

The Normal Nux contained less strychnine and brucine sulfates than declared; the Mercurial Eye Ointment contained less yellow mercuric oxide than declared; and the Santonin and Calomel Tablets contained santonin and calomel in excess of the amount declared.

On April 29, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against Norden Laboratories, a corporation, Lincoln, Nebr., alleging shipment by said defendant within the period from on or about June 1 to on or about June 13, 1938, from the State of Nebraska into the State of Kansas, of quantities of Normal Nux and Mercurial Eye Ointment which were adulterated and misbranded, and of Santonin and Calomel Tablets which were misbranded in violation of the Food and Drugs Act.

Adulteration of Normal Nux was alleged in that its strength and purity fell below the professed standard and quality under which it was sold, since the label represented that it contained 14.6 grains strychnine and brucine sulfates per fluid ounce; whereas it contained not more than 11.0 grains of strychnine and brucine sulfates per fluid ounce. Misbranding of Normal Nux was alleged in that the label statement "Each fluid ounce contains: Strychnine and Brucine Sulphates 14.6 grs." was false and misleading, for the reason that each fluid ounce of the article contained less than 14.6 grains of strychnine and brucine sulfates, i. e., not more than 11.0 grains.

Adulteration of Mercurial Eye Ointment was alleged in that its strength and purity fell below the professed standard and quality under which it was sold, since the label represented that it contained 1 percent yellow mercuric oxide; whereas the proportion of mercuric oxide varied from 0.68 to 0.89 percent. Misbranding of Mercurial Eye Ointment was alleged in that the label statement, "Mercurial Eye Ointment Contains: Yellow Mercuric Oxide 1%," was false and misleading for the reason that the article contained less than 1 percent mercuric oxide, i. e., proportions varying from 0.68 to 0.89 percent.

Misbranding of the santonin and calomel tablets was alleged in that the label statement, "Certified Santonin and Calomel Tablets Santonin $\frac{1}{2}$ gr. Calomel $\frac{1}{2}$ gr.," was false and misleading since it represented that each tablet of the article contained $\frac{1}{2}$ grain of santonin and $\frac{1}{2}$ grain of calomel; whereas each tablet of the article contained more than $\frac{1}{2}$ grain of santonin and more than $\frac{1}{2}$ grain of calomel, i. e., not less than 0.548 grain of santonin and 0.623 grain of calomel.

On May 5, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

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

30621. Misbranding of gauze bandages. U. S. v. 119 Dozen Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 44922. Sample No. 49014-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms. It was labeled to indicate that it was appropriate for use as a surgical dressing and consisted of 10-yard rolls; whereas it was not appropriate for such use and the rolls were much shorter than 10 yards. Some rolls consisted of short pieces sewn together.

On March 2, 1939, 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 119 dozen packages of gauze bandages at Boston, Mass.; alleging that the article had been shipped by Meditex Supply Co. on or about January 30, 1939, from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Doctors' and Nurses' Gauze Bandage." The remainder was labeled in part: "Physicians and Surgeons' Gauze Bandage."

Misbranding was alleged in that the statement "Doctors' and Nurses' Gauze Bandage" and the picture of a nurse on the label, were false and misleading since it created the impression that the article was appropriate for the use of doctors and nurses; whereas it was not so appropriate but was contaminated with viable micro-organisms. A second allegation of misbranding was that the statement "2 inches . 10" upon a package of the size ordinarily used for the packaging of bandages 2 inches wide and 10 yards long was false and misleading, since the length of the bandage was materially less than 10 yards. A third allegation of misbranding was that the statement "Gauze Bandage" appearing upon the cartons was false and misleading, since the article in certain of the packages was not woven continuously as the term "Gauze Bandage" implied, but consisted of short pieces sewn together.

On May 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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