

District of Washington, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 21 packages of Hed Klear at San Francisco, Calif., 9 packages at Boise, Idaho, and 9 packages of the same product at Walla Walla, Wash.; alleging that the article had been shipped in interstate commerce on or about October 28 and November 5, 1938, by the Van Patten Pharmaceutical Co. from Chicago, Ill.; and charging misbranding in violation of the Food and Drugs Act as amended.

The article consisted of a liquid and a vaporizer. Upon analysis, a sample of the article was found to consist of a mixture of volatile oils including eucalyptus oil and menthol, grain alcohol, isopropyl alcohol, acetone, and water.

Misbranding was alleged in that the following statements appearing in the labeling, "For relief of discomfort in Head Colds, Rhinitis, Nasal Catarrh, Sinus Irritation and Hay Fever. Use according to directions. [Diagrammatic sketch of apparatus in use] Showing how the breath carries soothing vapors of Hed Klear Essence through the nasal passages to all inflamed, irritated parts, thus affording relief of discomfort in Head Colds, Rhinitis, Nasal Catarrh, Sinus Irritation and Hay Fever," were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

The libels filed in the Northern District of California and the Eastern District of Washington alleged that the article was also misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notices of judgment on drugs and devices published under that act.

On April 14, May 10, and July 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**30880. Adulteration and misbranding of ether U. S. P. 10 (ethyl oxide U. S. P. XI). U. S. v. 40 Cans of "Ether U. S. P. 10 \* \* \* (Ethyl Oxide U. S. P. XI)." (F. & D. No. 45419. Sample No. 59947-D.)**

This product failed to meet the tests laid down in the United States Pharmacopoeia, since it contained acid in excess of the amount prescribed by that authority.

On or about June 1, 1939, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cans of ether at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about March 24, 1939, by Merck & Co., Inc., from Rahway, N. J.; 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 names recognized in the United States Pharmacopoeia, i. e., "Ether" and "Ethyl Oxide," but differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia and its own standard of strength, quality, and purity was not stated on the label. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, "Ether U. S. P. 10," since it did not conform to the specifications of the tenth revision of the United States Pharmacopoeia, because of the presence of excess acid.

Misbranding was alleged in that the statement on the label, "Ether U. S. P. 10 \* \* \* (Ethyl Oxide U. S. P. XI)," was false and misleading, since the article did not conform to the specifications of the tenth revision of the United States Pharmacopoeia for ether or to those of the eleventh revision of the pharmacopoeia for ethyl oxide.

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

M. L. WILSON, *Acting Secretary of Agriculture.*

**30881. Misbranding of E E Powders. U. S. v. 936 Cartons of E E Powders. Default decree of condemnation and destruction. (F. & D. No. 44980. Sample No. 44932-D.)**

This product was labeled as containing 4 grains of acetanilid per powder; whereas it contained a greater amount, namely, 4.99 grains.

On March 10, 1939, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 936 cartons of E E Powders at Lincolnton, N. C.; alleging that the article had been shipped

in interstate commerce on or about October 7, 1938, by E E Medicine Co. from Greenville, S. C.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the shipping carton and envelope, "(Each Powder Contains 4 Grs. Acetanilid)," was false and misleading when applied to an article that contained a greater amount of acetanilid than was stated.

It also was alleged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notices of judgment on drugs and devices published under that act.

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

M. L. WILSON, *Acting Secretary of Agriculture.*

**30882. Misbranding of Barmidon Tablets. U. S. v. Seven Bottles of Barmidon Tablets. Default decree of condemnation and destruction. (F. & D. Nos. 44563, 44564. Sample Nos. 58666-D, 58667-D.)**

This product was labeled to create the impression that it had properties similar to antipyrine and that its therapeutic and toxic effects were similar to those of barbital; whereas it possessed the properties of aminopyrine, but not of antipyrine, and it possessed the therapeutic and toxic potentialities of aminopyrine in addition to those of barbital.

On December 22, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven bottles containing 2,600 Barmidon Tablets at Dayton, Ohio; alleging that the article had been shipped in interstate commerce by Endo Products, Inc., from New York, N. Y., in part on or about October 26, 1938, and in part on or about November 25, 1938; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Dimethylaminoantipyrine diethylmalonylurea," was false and misleading since it created the impression that the article had properties similar to those of antipyrine; whereas it possessed the properties of aminopyrine and not those of antipyrine. It was alleged to be misbranded further in that the statement on the label, "Barmidon is a derivative of Barbital," was false and misleading since it created the impression that the therapeutic and toxic effects of the article were similar to those of barbital; whereas it possessed therapeutic and toxic potentialities of aminopyrine in addition to those of barbital.

The libel alleged that the article was also misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notices of judgment on drugs and devices published under that act.

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

M. L. WILSON, *Acting Secretary of Agriculture.*

**30883. Adulteration and misbranding of Palmer's Antiseptic Skin Lotion. U. S. v. 36 Bottles of Palmer's Antiseptic Skin Lotion. Default decree of condemnation and destruction. (F. & D. No. 44929. Sample No. 35008-D.)**

This product was labeled to indicate that it was a vegetable compound; whereas it contained mercuric chloride (corrosive sublimate), a mineral. Its labeling bore false and fraudulent representations regarding its curative and therapeutic effects.

On March 3, 1939, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bottles of Palmer's Antiseptic Skin Lotion at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about November 25, 1938, by Solon Palmer from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis showed that the article consisted essentially of mercuric chloride (corrosive sublimate, 0.36 gram per 100 cubic centimeters), alcohol (69 percent), acetone, turpentine oil, a fatty oil, perfume oils, and water.

The article was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, (display carton) "Palmer's Vegetable Cosmetic Lotion," since it contained mercuric chloride.