

On March 29, 1939, the United States attorney for the District of New Jersey filed a libel against 138 packages of O. B. C. Capsules at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce on or about October 20, 1938, by Frank & Black from Philadelphia, Pa.; and charging that it was misbranded for the reasons appearing above. The article was labeled in part: "Thyrole Products Co., Sole Distributors, Philadelphia, Penna."

On May 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**42. Misbranding of Tablets Arbolone. U. S. v. 188 Packages of Tablets Arbolone. Default decree of condemnation and destruction. (F. D. C. No. 216. Sample No. 55108-D.)**

This drug consisted of tablets containing desiccated thyroid and extracts of plant drugs including an iodine-containing drug such as bladder wrack and a laxative drug such as cascara sagrada. It was recommended in its labeling as a treatment for obesity with dosage of one to two tablets, beginning with one after each meal and increasing the dose to two tablets after the third day, and continuing until the desired reduction resulted, after which the tablets might be taken occasionally as a preventive. It was recommended further that the dose be reduced if headache, vertigo, or heart palpitation ensued, and that the treatment be continued several weeks or months as the case might require. It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. Its labeling failed to reveal facts material in the light of the representations set forth in the labeling, or material with respect to consequences which might result from the use of the article under the conditions of use prescribed in the labeling, and failed to bear warnings against its use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application.

On April 11, 1939, the United States attorney for the Northern District of Illinois filed a libel against 188 packages of Tablets Arbolone at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 15, 1939, by the Arbolone Co. from Dayton, Ohio; and charging that it was misbranded for the reasons appearing above.

On June 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**MISCELLANEOUS**

**43. Misbranding of laxative chewing gum. U. S. v. 77 Cartons of Chewing Laxative. Default decree of condemnation and destruction. (F. D. C. No. 73. Sample No. 22341-D.)**

This product was a gum, each piece containing 1 grain of phenolphthalein. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which recommended that it be chewed like gum with a dosage of one to two tablets at night or after mealtime.

On September 8, 1938, the United States attorney for the Northern District of Illinois filed a libel against 77 cartons of chewing laxative at Chicago, Ill.; alleging that the article had been shipped on or about July 20, 1938, by Peltz-Kauffer Co., Inc., from South Bend, Ind.; and charging that it was misbranded for the reasons stated above. It was labeled in part: "Tru-Lax Mint Flavored Chewing Laxative."

The libel also charged that the article was misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30001 published under that act.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**44. Misbranding of Bad-Ex-Salts. U. S. v. 27 Bottles of Bad-Ex-Salts (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 109, 110, 112, 114. Sample Nos. 34931-D, 38817-D, 48833-D, 59646-D.)**

This product contained tartar emetic. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which contained representations that the article contained sodium sulfate, sodium carbonate, and sodium chloride (salts

which constitute the active agents of many of the celebrated mineral springs of Europe) with the fruit acid of grapes, and which bore directions that 1 teaspoonful be taken in a glass of water as needed, that a teaspoonful in a glass of cold water was recommended on rising in the morning, and that children should take one-fourth to 1 teaspoonful according to age.

On December 30, 1938, January 4, and January 9, 1939, the United States attorneys for the Southern District of New York, the Eastern District of Missouri, the District of Maryland, and the District of Rhode Island filed libels against 115 bottles of Bad-Ex-Salts in various lots at New York, N. Y., St. Louis, Mo., Baltimore, Md., and Providence, R. I.; alleging that 9 bottles of the product had been shipped from Philadelphia, Pa., to St. Louis, Mo., on or about November 5, 1938, by the American Laboratories; that 99 bottles of the product had been shipped from Carlisle, Pa., in part to Baltimore, Md., on December 9, 1938, and in part to New York, N. Y., on or about December 10, 1938, by the said American Laboratories, and that 7 bottles of the product had been shipped from New York, N. Y., to Providence, R. I., on or about December 17, 1938, by E. J. Barry, Inc.; and charging that the article was misbranded for the reasons stated above.

On January 19, January 26, and February 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**45. Misbranding of Dunwody's Turpedine Emulsion. U. S. v. 2,157 Bottles of Dunwody's Turpedine Emulsion. Default decree of condemnation and destruction. (F. D. C. No. 287. Sample No. 58753-D.)**

The labeling of this drug preparation bore representations that it was efficacious as a great health builder and system purifier; to build up weak and run-down systems while convalescing from attacks of malaria, typhoid and other wasting fevers, pneumonia, la grippe, and influenza; to stimulate healthy secretions, make red blood corpuscles, disinfect the alimentary canal, prevent auto-intoxication and strengthen the system to resist disease; to build strong constitutions, overcome disease, conserve health, promote a normal functioning of the organs of secretion and assimilation; as a remedy for bronchial trouble; and as a treatment for pulmonary trouble.

On July 14, 1939, the United States attorney for the Southern District of Ohio filed a libel against 2,157 bottles of Dunwody's Turpedine Emulsion at Cincinnati, Ohio; alleging that the article had been transported in interstate commerce on or about June 24, 1939, by Sam Swidler from Chicago, Ill.; and charging that it was misbranded.

Analysis showed that the article was an emulsion consisting essentially of mineral oil, a small proportion of turpentine, traces of hypophosphites, an arsenic compound, quinine alkaloid, an organic iodine compound, glycerin, and water.

The article was alleged to be misbranded in that certain statements in the labeling were false and misleading in that they represented that it was efficacious for the forementioned purposes; whereas it was not efficacious for such purposes.

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

**46. Misbranding of Universal Formula. U. S. v. 10½ Dozen Bottles of Universal Formula (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 459, 505. Sample Nos. 47709-D, 47763-D, 47764-D.)**

The labeling of this drug bore false and misleading representations regarding its efficacy in the treatment of the conditions shown below.

On August 19 and 24, 1939, the United States attorney for the District of Columbia filed libels against 10½ dozen 2-ounce bottles, 10 32-ounce bottles, and 2 12-ounce bottles of Universal Formula at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 26, 1939, by Universal Antiseptic & Research Laboratories, Inc., from Bristol, Tenn.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of phenol (1.84 percent), alum, borax, sugar, water, and small proportions of aromatic substances, including thymol and sage. Bacteriological tests showed that it was not antiseptic when diluted as directed in the labeling.