

and thus quickly and directly relieve pain and its congestive cause; that it would relieve rheumatic pains due to exposure, dampness, and cold; that it would be helpful in the treatment of bruises, would help relieve suffering from varicose veins, would bring quick relief of athlete's foot, and toe itch, would relieve chest and throat colds, and tightness and congestion in throat and chest muscles, were false and misleading since it was a counter-irritant liniment and did not possess the properties claimed for it.

Kotalko was alleged to be misbranded: (1) In that representations in the labeling that it would discourage excessive loss of, and strengthen existing growth of, hair and aid in promoting new growth; and that it would be efficacious in the treatment of dandruff, thin, brittle or falling hair, and baldness, were false and misleading since it would not be efficacious for such purposes. (2) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each of the active ingredients. (3) In that its container was so filled as to be misleading since the retail carton was materially larger than necessary to hold the contents.

On April 20 and July 29, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**741. Misbranding of Optic Drop. U. S. v. 20 Bottles of Optic Drop. Default decree of condemnation and destruction. (F. D. C. No. 3828. Sample No. 6978-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The volume of the carton was more than 5 times the volume of the bottle and certain mandatory labeling requirements of the law were not complied with.

On February 19, 1941, the United States attorney for the District of New Mexico filed a libel against 20 bottles of Optic Drop at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by the Romero Drug Co. from El Paso, Tex.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of a water solution of zinc sulfate, chlorobutanol, a berberine salt, boric acid, and/or a borate.

It was alleged to be misbranded: (1) In that the statement "For Irritated Eyes" and the Spanish translation of the same statement "Para Ojos Irritados," appearing in the labeling, were false and misleading, since it was not an adequate or appropriate treatment for all irritations of the eyes. (2) In that the following statements (in Spanish) in the labeling were false and misleading, since it would not fulfill the promise of benefit stated and implied thereby: (Translation from Spanish) "It is well known that the eyes are constantly exposed to the bright and burning light of the sun, the electric lamp and reflections of the earth; nor do they fail to collect sand, dust and other small particles which imperceptibly float through the air and which greatly affect the vision, causing a certain sensation of itching and even reddening of the eyes. This occurs chiefly in those who work in shops, trains, factories or any other places of movement and commotion. Now then, in order to constantly protect the sight at such times, one should always have on hand a bottle of Gota Optica, an admirable, scientifically prepared lotion for the eyes which not only soothes, refreshes and cleanses the eyes and eyelids but alleviates the irritation, removing the foreign substances which may have lodged in them. This is why the Gota Optica has been and is now highly recommended by all the most celebrated opticians." (3) In that the label failed to bear the common or usual name of each active ingredient, since of the ingredients only chlorobutanol was mentioned on the label and carton; (4) In that the carton failed to bear a declaration of the quantity of contents of the package. (5) In that its container was so made, formed, and filled as to be misleading.

On April 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**742. Misbranding of Utona. U. S. v. 102 Packages of Utona. Default decree of condemnation and destruction. (F. D. C. No. 7006. Sample No. 23117-E.)**

On March 11, 1942, the United States attorney for the Northern District of California filed a libel against 102 packages of Utona at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 18 and December 2, 1941, and January 12, 1942, by the National Utona Co. from Detroit, Mich., and charging that it was misbranded.

Analysis showed that the article consisted essentially of extract of a saponin-bearing plant such as yucca, preserved with salicylic acid and sodium benzoate, colored with caramel and flavored.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that it was efficacious as a relief for high blood pressure and would control the pressure and relieve the distressing symptoms; would lower high blood pressure of patients, even those of advanced years, that it would render the body less toxic (poisoned); would bring about marked improvement in older patients through less frequent demands to rise at night to urinate; that it would impart a profound sense of well-being; that it would usually bring about improvement in symptoms such as pain in the back, neck, dizziness, headache, pins and needles sensation; would be efficacious to make one sleep better and feel better and would bring about a better relationship between the systolic and diastolic pressure and that results obtained from its use were such as to warrant clinical study of its effectiveness in the control of hypertension, arteriosclerosis, stroke and kindred conditions, were false and misleading since it would not be efficacious for the purposes so represented and suggested.

On May 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**743. Misbranding of Via-Min. U. S. v. 465 Packages of Via-Min. Default decree of condemnation and destruction. (F. D. C. No. 7094. Sample Nos. 90166-E, 90167-E.)**

On March 26, 1942, the United States attorney for the District of Massachusetts filed a libel against 465 packages of Via-Min at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 7 and 10, 1942, by the Universal Products Co. from Cleveland, Ohio; and charging that it was misbranded.

Analysis of a sample showed that the article contained approximately 2,200 grains per gallon of total solids, i. e., ferric sulfate (not over 1,196 grains), aluminum sulfate (not less than 500 grains), calcium sulfate (16 grains), magnesium sulfate (53 grains), and sodium phosphate (51 grains). The specific gravity varied between 1.018 and 1.027 at 25° C.

The article was alleged to be misbranded: (1) In that the following statements on the label, "Ingredients: Grains per gallon. Specific Gravity 1.049; Ferric Sulphate 1752; Aluminum Sulphate 29; Calcium Sulphate 79; Magnesium Sulphate 409 Sodium Phosphate 70 \* \* \* Total Solids 4,413," were false and misleading since it did not have the total solids or specific gravity stated, and the statements of the amounts of said minerals in grains per gallon were incorrect. (2) In that the statement on the label "used on minor Sores and Cuts," and certain statements contained in an accompanying circular, were false and misleading since they represented and suggested that it would be efficacious in the treatment of minor sores and cuts and in the mitigation, treatment, or prevention of acidosis, acne, eczema, muddy skin, anemia, malnutrition, underweight, arthritis, rheumatism, gout, asthma, auto-intoxication, biliousness, high blood pressure, boils, Bright's disease, bronchitis, colds, sinus trouble, catarrh, constipation, diabetes, falling eyesight, cataract, falling hair, thin hard brittle fingernails, gall-bladder disorders, gallstones, jaundice, goiter, hardening of the arteries, hay fever, stiffness of the joints, leucorrhea, low vitality, lack of endurance, lack of pep, nervousness, sciatic rheumatism, neuralgia, neuritis, nerve exhaustion, obesity, enlarged prostate gland, poor circulation, sexual indifference, tooth decay and spongy gums, gums that bleed easily, tuberculosis of the lungs, and undernourishment of children; that it would build and maintain the bones, teeth, and tendons, counteract acidity, heal wounds, and aid vitality and endurance; that it would be efficacious in the mitigation, treatment, or prevention of tuberculosis, rickets, pyorrhea, heart disease, painful menstruation, anemia, asthma, circulatory diseases, female disorders, and indigestion; that it would build and nourish the brain, nerves, and bones, and would aid in strengthening the mental power; that it would counteract acidosis, purify the blood by eliminating carbon dioxide, and would dissolve hard deposits in the joints; that it would purify the system, aid in keeping the hair, skin, and sex organs in a healthy condition, and intensify the emotions; that it would be efficacious as a nerve sedative; that it would vitalize the lungs and neutralize acid waste materials, and would supply energy and vitality; and that it would be efficacious in producing glossy hair, hard