

16361. Misbranding of Yumco tablets. U. S. v. 33 Packages of Yumco Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23483. I. S. No. 07935. S. No. 1664.)

On March 4, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 packages of Yumco tablets, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Yum Products Corporation, Brooklyn, N. Y., alleging that the article had been shipped from Brooklyn, N. Y., on or about January 2, 1929, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained sodium salicylate (1.66 grains per tablet), acetphenetidin (0.411 grain per tablet), sodium bicarbonate, phenolphthalein, a trace of alkaloids, and an extract of a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of acetphenetidin, a derivative of acetanilide, contained in the said article. Misbranding was alleged for the further reason that the statement on the tin container of the article, "Grippe and Influenza Tablets," conveyed and was intended to convey to the purchaser the impression and belief that the article was a composition for the treatment of la grippe and influenza, and signified and imported that as such a composition it was efficacious in the treatment of influenza and la grippe, whereas it contained no ingredient or combination of ingredients capable of producing such effects, and said statement was applied to the article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of influenza and la grippe.

On May 8, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16362. Misbranding of Haywood's cold and grippe tablets. U. S. v. 201 Dozen Packages of Haywood's Cold & Grippe Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23379. I. S. No. 03647. S. No. 1546.)

On February 8, 1929, 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 of the United States for said district a libel praying seizure and condemnation of 201 dozen packages of Haywood's cold and grippe tablets, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by W. R. Warner & Co. (Inc.), from St. Louis, Mo., in part on or about November 15, 1928, and in part on or about December 3, 1928, and transported from the State of Missouri into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained total alkaloids (0.57 grain per tablet), including cinchona, gelsemium, and aconite alkaloids, camphor, capsicum, and aloe.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the carton, "For * * * La Grippe * * * Grippe Tablets * * * For La Grippe * * * take two tablets and repeat in two hours, after that one tablet every two hours," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions therein named.

On March 20, 1929, William R. Warner & Co. (Inc.), St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the

entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond or undertaking in the sum of \$600, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16363. Misbranding of U-Rub-It. U. S. v. 23 Jars of U-Rub-It. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23653. I. S. No. 07952. S. No. 1857.)

On April 22, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 jars of U-Rub-It, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the U-Rub-It Chemical Co., Newark, Del., alleging that the article had been shipped from Newark, Del., on or about February 16, 1929, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the ointment consisted essentially of a petrolatum and beeswax base containing essential oils including eucalyptus, peppermint and sassafras oils, menthol, methyl salicylate, and oleoresin of capsicum.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (carton) "For Pain For Rheumatism For Coughs," (jar) "For Pain * * * Apply to parts affected * * * Croup, Tonsillitis, Sore Throat, Whooping Cough, Neuralgia, Pneumonia, Cramps, Toothache (Externally), Earache (Externally) * * * Lumbago, Neuritis, Rheumatism, Backache * * * Bunions * * * All pains due to Congestion or Inflammation * * * Inhale fumes for * * * Hay Fever, Bronchitis, Asthma," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the said article was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On May 13, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16364. Misbranding of En-Ar-Co Japanese style oil. U. S. v. 23 Dozen packages of En-Ar-Co Japanese Style Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23405. I. S. No. 03423. S. No. 1562.)

On February 13, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 dozen packages of En-Ar-Co Japanese style oil, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the National Remedy Co., from New York, N. Y., on or about January 2, 1929, and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was a reddish orange liquid containing amyl alcohol, oleoresin of capsicum, menthol, oil of sassafras, oil of camphor, and a phenol.

It was alleged in the libel that the article was misbranded in that the following statement regarding the curative and therapeutic effects of the said article, (carton) "For Neuralgia, Toothache * * * For * * * Earache * * * Neuralgia * * * Snake Bites * * * Toothache, etc. And following diseases of Horses, Cattle, Fowl, etc., viz. * * * Colic, Calks, Galls, Old Sores, Roup, Scratches, Spavins, etc.," (circular) Sore Throat * * * Cough, Congestion or Pain, rub in a generous amount of our Japanese Oil before going to