

16564. Adulteration and misbranding of Catarrex. U. S. v. 14 Dozen Bottles of Catarrex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23566. I. S. No. 02138. S. No. 1781.)

On or about April 9, 1929, the United States attorney for the District of Porto Rico, 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 14 dozen bottles of Catarrex at San Juan, P. R., alleging that the article was being sold and offered for sale at San Juan, in Porto Rico, by Cie de la Marque Confiant, Luie Carraton, owner, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ammonium chloride, phosphates, menthol, extract of wild cherry, cholesterol, tar, malt sugar, alcohol, and water.

It was alleged in the libel that the article was adulterated in that it was sold under the following professed standard, "One of its * * * components is Gaduol (extract of cod liver oil)," whereas, in truth and in fact, the strength of the said article fell below said standard.

Misbranding was alleged for the reason that the following statements appearing on the carton label, "One of its * * * components is Gaduol (extract of cod liver oil), Gaduol represents those active substances of the cod liver oil that are extracted with alcohol, and which permits its administration without the greasy and disagreeable substances of the oil," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label, translated from Spanish) "Catarrex-Tonic," (carton label, translated from Spanish) "Catarrex—Tonic * * * useful during * * * first periods of the inflammatory diseases of the respiratory organs such as catarrhs, bronchitis, cough, grippe, hoarseness, asthma * * * influenza, whooping cough, laryngitis. * * * indicated * * * during * * * first periods of the inflammatory and catarrhal diseases of the respiratory tract. Take Catarrex against obstinate coughs, * * * grippe. Catarrex is Tonic * * * for the respiratory disorders which require a reconstituent medication. * * * Tuberculosis is not cured with medications only. The best remedies against tuberculosis are: 1. Rest; 2. Pure Air; 3. Sound and varied alimentation. Do not neglect yourself if you are suffering from catarrh, cough, grippe or cold. Immediately start taking Catarrex," (circular, translated from Spanish) "Catarrex. Most efficacious against cough. Action of Catarrex—No matter the origin of the coughs, they should be treated in the following way: * * * Loosen the mucous and phlegm that obstruct the respiratory tract until they are completely eliminated. * * * Soothe the irritated places of the throat and bronchi until cured. * * * Catarrex affords all these actions * * * because it contains * * * reconstituents; * * * physicians * * * recommend it * * * in cases of obstinate coughs. * * * The * * * sanative effect of Catarrex is due to its reconstituent * * * ingredients * * * Indications * * * Troublesome coughs: * * * Catarrex aids the bronchios to free them from * * * microbes * * * Asthma: * * * immediate use of Catarrex at the beginning of an attack of asthma * * * affords alleviation * * * its sedative action will help to diminish the severity and frequency of the attacks, and many a time even to eliminate them completely. Bronchitis:—Catarrex promptly alleviates acute and chronic bronchitis * * * valuable * * * chronic bronchitis of aged persons. Coughs of Influenza, Pneumonia and Pulmonary Diseases:—Catarrex * * * alleviates the spasmodic coughs that weaken the patient * * * Catarrex reduces the offensive smell of the sputum in the putrefactive conditions of pulmonary affections. Catarrh, Laryngitis and Chronic Cough:—Catarrex * * * for the catarrhal conditions of the respiratory tract. Combats with success the dry and harsh coughs that trouble so much. * * * Catarrex * * * maintains * * * the respiratory tract in a clear and natural condition * * * Catarrhs With Cough * * * Protection Against Catarrhs:—When feeling the menace of a catarrh, check the danger with a tablespoonful of Catarrex," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 24, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*