

16565. Misbranding of tablets *Bacillus bulgaricus*. U. S. v. 16 Boxes of Tablets *Bacillus Bulgaricus*. Default decree of destruction entered. (F. & D. No. 23249. I. S. No. 013019. S. No. 1365.)

On December 15, 1928, the United States attorney for the Western District of Kentucky, 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 16 boxes of tablets *Bacillus bulgaricus*, remaining unsold in the original boxes at Louisville, Ky., consigned by Fairchild Bros. & Foster, from New York, N. Y. (on or about November 17, 1928), alleging that the article had been shipped in interstate commerce from New York, N. Y., into the State of Kentucky, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Tablet of the *Bacillus Bulgaricus*, Contains the true *Bacillus bulgaricus* * * * conserved in a stable form. * * * It is rigidly standardized, potency guaranteed for the time stamped upon the label."

Analyses of samples of the articles by this department showed that the tablets contained not more than 600 viable organisms per tablet, the majority of which were contaminating organisms.

It was alleged in the libel that the article was misbranded in violation of the said food and drugs act as amended in that the boxes or labels bore and contained false and misleading statements.

On April 5, 1929, no claimant having appeared, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

16566. Misbranding of Salicon. U. S. v. 6 Dozen Packages, et al., of Salicon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23356. I. S. Nos. 02592, 02593, 02594. S. No. 1502.)

On February 5, 1929, the United States attorney for the District of Maine, 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 6 dozen packages, 100-tablet size, 2 gross packages, 30-tablet size, and 5 gross packages, 12-tablet size, of Salicon, remaining in the original unbroken packages at Portland, Me., consigned by the K. A. Hughes Co., from Boston, Mass., alleging that the article had been shipped from Boston, Mass., on or about February 1, 1929, and transported from the State of Massachusetts into the State of Maine, 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 contained acetylsalicylic acid (3.8 grains per tablet), phenolphthalein, and calcium and magnesium carbonates.

It was alleged in the libel that the article was misbranded in that the following statements regarding the said article were false and misleading: (Carton and bottle labels) "Does not affect the heart, does not upset the stomach;" (circular) "Salicon will not affect the heart, will not upset the stomach * * * It can be used freely and fearlessly. * * * Salicon does not affect the heart * * * Salicon also is a germicide. It passes into the circulating blood and sterilizes it sufficiently to render it an unfavorable medium for germs;" (coupons accompanying 100-tablet size and 30-tablet size) "Undoubtedly you have friends * * * who have been in the habit of seeking relief from dangerous heart-depressing or stomach-deranging drugs." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the said article, (cartons of 100-tablet size and 12-tablet size) "For * * * Influenza, Rheumatism, Neuralgia, Neuritis, Sciatica, Lumbago, etc. * * * For Headache, Backache, Earache, Periodic and other Pains," (bottle labels, 100-tablet and 30-tablet size) "For Headache, Backache, Periodic and other pains. Two tablets every hour until relieved. Usually four tablets sufficient. For * * * Influenza, Grippe, Rheumatism, Neuralgia, Neuritis, Sciatica, etc. Two tablets an hour until relieved. Four tablets usually enough in light cases. From ten up to twenty-four tablets in twenty-four hours in severe cases," (carton, 30-tablet size) "For Headache, Toothache, Backache, Earache, * * * Influenza, Rheumatism, Neuralgia, Neuritis, Sciatica, Lumbago, etc.," (bottle label, 12-tablet size) "For Headache, * * * Periodic and other pains. Two tablets every hour until relieved. Usually four tablets sufficient. For * * * Influenza, Grippe,