

**16798. Misbranding of Nozol. United States v. 17 Dozen Small-Sized Bottles, et al., of Nozol. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 23678, 23679, 23680. I. S. Nos. 09182, 09183, 09184, 09207, 09208. S. Nos. 1869, 1918, 1919.)

On May 13, 1929, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 27½ dozen small-sized bottles and 8½ dozen large-sized bottles of Nozol at Chicago, Ill., alleging that the article had been shipped by the Nozol Co. (Inc.), in part from Etna, Pa., and in part from Pittsburgh, Pa., in various consignments on or about March 21, April 3, and April 5, 1929, respectively, and transported from the State of Pennsylvania into the State of Illinois, 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 consisted essentially of a mineral oil containing small amounts of camphor, menthol, and oil of peppermint. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, (bottle label, small size) "Keeps the nose clean and healthy," (bottle label, large size) "Keeps the nose clean and healthy \* \* \* Unequaled in cases of Catarrh, Hay Fever, Asthma and General Nose Troubles. Permits free and easy breathing, \* \* \* use it regularly to kill germs lodging in the nose," (carton accompanying large-sized bottles) "Keeps the nose clean and healthy \* \* \* Nose Remedy Keep the nose healthy with Nozol \* \* \* Excellent for Catarrh, Hay Fever, Asthma, etc.," (counter display card accompanying portion of small-sized bottles) "Relieves Sinus trouble \* \* \* Makes Breathing Easy \* \* \* Recommended by Specialists for \* \* \* Hay Fever, General Nose Troubles use Nozol for Sinus Trouble," (small folder accompanying all packages) "Nozol America's Nose Remedy \* \* \* The health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs and it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles,—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth,—the fact that they cannot readily be seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease, \* \* \* Nozol \* \* \* healing \* \* \* the infected parts and helping to stop further spread of the infection \* \* \* permits sufficient time for therapeutic action \* \* \* Nozol \* \* \* is an effective agent in combating sinus trouble. \* \* \* Nozol is a liquid \* \* \* reaching all parts of the mucous membrane, whereas salves and ointments seldom reach all the infected parts. Nozol for Nasal Catarrh. Catarrh of the nose is one of the most common of diseases. Chronic inflammation of the membrane caused usually by excessive secretion is usually present in nasal catarrh and daily use of Nozol should be followed. The healing soothing qualities of Nozol will greatly aid nature in curing this catarrhal condition \* \* \* Nozol for Hay Fever, Sufferers from Hay Fever seldom receive the sympathy to which they are entitled and no certain cure has ever been discovered. Thousands today are getting welcome relief during severe attacks and others start prevention early through the use of Nozol. Pollen, that carries the dreaded hay fever, attacks the delicate tissues of the lining. Nozol, when used in time spreads over the tissues preventing the pollen from attacking the lining \* \* \* Nozol for Sinus Trouble \* \* \* It is estimated that two out of three people in America are troubled with sinus infection of varying degrees. Sinus trouble usually follows severe colds and is indicated by frequent headaches, drippings of mucus into the throat, stoppage of nasal passages and soreness and tenderness beneath the eye and over the cheek bone. If nature is allowed free rein, it can usually correct this condition. Nozol most effective preparation for sinus trouble. By using Nozol regularly, the nasal passages are kept clear and clean and proper drainage of the sinus allowed. Use frequently, three or four times a day if convenient, and shortly the most

stubborn cases of sinus trouble usually will yield to this treatment. Physicians are among those loudest in their praise of Nozol for sinus trouble \* \* \* people having trouble breathing while sleeping and this is also true in case of children, can overcome this condition by clearing out the passages with Nozol," were false and fraudulent 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 article was composed of or contained ingredients or medicinal agents effective as a remedy for the several diseases, ailments, and afflictions mentioned therein, whereas it contained no ingredients or medicinal agents capable of producing the effects claimed.

On July 24, 1929, and September 10, 1929, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**16799. Adulteration and alleged misbranding of A. D. S. cold and grippe tablets. U. S. v. 113½ Dozen Packages of A. D. S. Cold and Grippe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23389. I. S. No. 05293. S. No. 1556.)**

On February 13, 1929, the United States attorney for the Northern District of Illinois, 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 113½ dozen packages of A. D. S. cold and grippe tablets at Chicago, Ill., alleging that the article had been shipped by the Vadsco Sales Corporation, from Long Island City, N. Y., January 5, 1929, and transported from the State of New York into the State of Illinois, 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 acetanilid (1.77 grains) and quinine sulphate (0.25 grain) per tablet, aloin, camphor, capsicum, and extract of podophyllum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, (large carton) "Grippe Tablets," (individual carton) "Remedy for \* \* \* Grippe," and (circular) "Grippe Remedy," were false and fraudulent 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 it was composed of or contained medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the further reason that the statement borne on the label, "Each tablet contains 2 grains of acetanilide," was false and misleading.

It was further alleged in the libel that the article was misbranded in that its strength fell below the professed standard under which it was sold, in that it was sold under the following standard, "Each tablet contains 2 grains of acetanilide," which statement represented that each tablet of the article contained 2 grains of acetanilid, whereas the said article failed to contain 2 grains of acetanilid (per tablet). Regarding this last charge, the recommendation of this department was that the article was adulterated for the reasons charged in the libel.

On April 24, 1929, no claimant having appeared for the property, judgment was entered condemning and forfeiting the product as adulterated, and it was ordered by the court that the said product be destroyed by the United States marshal.

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

**16800. Misbranding of Astyptodyne and Astyptodyne cough syrup. U. S. v. 69 Bottles of Astyptodyne Cough Syrup, et al. Default orders of destruction entered. (F. & D. Nos. 23574, 23575. I. S. Nos. 05697, 05698. S. Nos. 1771, 1783.)**

On April 5, 1929, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 69 bottles of Astyptodyne cough syrup, and 24 bottles of Astyptodyne at Spartanburg, S. C., alleging that the articles had been shipped