

17156. Adulteration and misbranding of antiseptic gargle. U. S. v. 23½ Dozen Bottles of Antiseptic Gargle. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23062. I. S. No. 01968. S. No. 1133.)

On September 13, 1928, 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 23½ dozen bottles of antiseptic gargle at Chicago, Ill., alleging that the article had been shipped by the Frazier Tablet Co., from Brooklyn, N. Y., August 10, 1927, and transported from the State of New York into the State of Illinois, 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 small amounts of phenol, tannin, glycerin, and alcohol, and water, flavored with oil of peppermint. Bacteriological examination showed that the article was not antiseptic in the dilutions recommended upon the label.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold (wrapper) "Antiseptic."

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article appearing on the containers and in the accompanying circular (bottle label) "An * * * effective tonic for the fauces, gums, and pharynx. It should be used constantly in presence of infection of any kind, and it is an invaluable prescription in the treatment of the various sore throats which are encountered. * * * Antiseptic * * * As a daily antiseptic and tonic mouth wash for children or nurses exposed to infection, dilute with an equal portion of water," (carton label) "Antiseptic * * * Results of Twenty Years' Use * * * An * * * effective tonic for fauces, gums, and pharynx. I use it constantly in presence of infection of any kind, and it is my stock prescription in the various sore throats we encounter," and (shipping carton) "Antiseptic," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently that it was effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the further reason that the statement on the wrapper of the article, to wit, "Antiseptic," was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing antiseptic effects.

On April 16, 1930, 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.*

17157. Misbranding of Oculum. U. S. v. 1 11/12 Dozen Small Sized, et al., of Oculum. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22932. S. No. 977.)

On July 31, 1928, 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 1 11/12 dozen small-sized bottles, 11/12 dozen large-sized bottles, and 1 gallon jug of Oculum, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Hancock Inoculum Co., from Salem, Va., on or about July 9, 1928, and transported from the State of Virginia 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 consisted essentially of oil of turpentine colored with a yellow dye.

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 were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, large and small sizes) "A germicide that takes the place of all Tonics and Remedies for Fowls and Animals. Beneficial in disease and a preventive. Feed it for More Eggs, Meat and Milk. Inject it (in the rectum) to relieve disease * * * In Sickness;" (carton, large and small sizes) "A Germicide 'Oculum' The Greatest Poultry Tonic on Earth a Remedy and Preventive for Cholera, Roup, White Diarrhea and Sore Head, Also Relieves Gapes * * * It is to be used only for the diseases for which it is intended and as a tonic."