

Examination of a sample of the article by this department showed that it contained less than ten million viable lactobacilli per cubic centimeter.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Approximately 250,000,000 Viable Bacilli per CC," whereas the strength of the said article fell below such professed standard.

Misbranding was alleged for the reason that the statement on the bottle label, "Approximately 250,000,000 Viable Bacilli per CC," was false and misleading when applied to an article containing less viable lactobacilli per cubic centimeter.

On March 17, 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.*

17165. Misbranding of Nozol. U. S. v. 72 Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24496. I. S. No. 028880. S. No. 2789.)

On February 3, 1930, the United States attorney for the District of New Jersey, 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 72 bottles of Nozol, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Nozol Co. (Inc.), from Pittsburgh, Pa., on or about October 28, 1929, and transported from the State of Pennsylvania into the State of New Jersey, 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 mineral oil, camphor, and oil of peppermint colored with a pink dye.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the accompanying display card, 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: "Nozol Relieves Sinus Trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay fever, General Nose Troubles Use Nozol for Sinus Trouble * * * Sinus Trouble Relieved with Nozol. * * * Nozol (Nose All)."

On April 3, 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.*

17166. Misbranding of F E I solution. U. S. v. 20 Packages of F E I Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24492. I. S. No. 028951. S. No. 2755.)

On January 30, 1930, the United States attorney for the District of Connecticut, 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 20 packages of F E I solution, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the F E I Corporation, from Pittsburgh, Pa., on or about July 18, 1929, and transported from the State of Pennsylvania into the State of Connecticut, 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 boric acid, glycerin, a small amount of copper sulphate, alcohol, and water flavored with oil of cassia.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, 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: (Carton) "F-First E-eliminate I-infection * * * A Life Preserver For Teeth and Gums * * * Pyorrhea Specific * * * Pyorrhea is present in four out of five adults, causing loss of over fifty per cent of all permanent teeth. Dr. Ellis' F E I Solution kills infection. * * * A Scientific medicated gum and tooth wash for local application, destroying the infection causing Pyorrhea. Stimulates and heals the * * * tender, bleeding, and receding gums;" (bottle) "Pyorrhea Specific * * * For Pyorrhea