

On August 15, 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.*

17633. Misbranding of Inhalex. U. S. v. 30 Bottles of Inhalex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24528. I. S. No. 015734. S. No. 2828.)

An examination of samples of a drug product known as Inhalex from the herein described interstate shipment, having shown that the article bore labels containing certain curative and therapeutic claims that it was incapable of producing and that the labels bore no statement of the amount of alcohol contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On or about February 15, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Inhalex, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Li Roth Research Laboratories (Inc.), from Philadelphia, Pa., on or about November 21, 1929, and had been transported from the State of Pennsylvania into the State of Delaware, 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 of formaldehyde (6.5 per cent), volatile oils, including menthol (27.0 per cent), alcohol (38.7 per cent), and water.

It was alleged in the libel that the article was misbranded in that the package and label did not bear a statement of the alcoholic content. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, borne on the bottle and carton labels and in the accompanying folder and leaflet, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For * * * Throat Affections;" (carton) "Sore Throat, La Grippe, Sinus, Catarrh * * * for * * * Throat Affections * * * Sufferers from LaGrippe, * * * Sinus Catarrh, Sore Throat, Asthma, Rose and Hay Fevers find instantaneous relief in this marvel Inhalex;" (folder) "A * * * Cough No Ills * * * Sinus Catarrh * * * Sore Throat * * * La Grippe * * * Ready relief for sufferers from * * * catarrh, sinus, sore throat, asthma, la grippe * * * and other allied ailments due directly or indirectly to the respiratory organs. Hay and Rose fever sufferers upon application of Inhalex find instantaneous relief. Medical advisors through the country have sponsored and acclaimed Inhalex for its immediate relief effects due to inflammations * * * of the air passages. * * * Direct Methods of Application * * * Obstinate cases of catarrh, sinus, asthma, etc. * * * Age No Criterion Infants * * * croup * * * Children * * * Those suffering from * * * sore throat, coughs * * * etc. * * * Send Your Children to School and Play Accompanied With a Drop of Inhalex and Have An Assured Health Protection. Adults—Place a few drops of Inhalex * * * and inhale immediately in a severe case. * * * A Drop of Inhalex Means Tons of Relief;" (leaflet) "And you have Instant relief from * * * Coughs and even worse. * * * The Ideal * * * Inhalant—Instantly relieves * * * Catarrh, Sinus and Asthma. * * * Instant relief for Sore Throat."

On June 30, 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.*

17634. Misbranding of Lung Saver. U. S. v. 12 Dozen Bottles of Lung Saver. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24531. I. S. No. 015744. S. No. 2809.)

An examination of samples of a drug product known as Lung Saver, having shown that the labels bore claims of curative and therapeutic effects that it was incapable of producing and that the labels failed to bear a correct statement of the quantity or proportion of chloroform contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On or about February 15, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of Lung Saver, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., on or about February 12, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, 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 extracts of plant drugs including glycyrrhiza, chloroform (1.85 minims per fluid ounce), sugar, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of chloroform contained in the said article, since the label declared 7 minims of chloroform per fluid ounce, whereas analysis showed that but 1.86 minims per fluid ounce were present. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lung Saver * * * The Lung Saver Co. * * * Lung Saver for Coughs * * * Bronchitis, Grippe, Tightness and Soreness on the Breast, Asthma. * * * Whooping Cough and Croup. * * * For Asthma and Bronchitis * * * To stop a cough at night * * * Lung Saver;" (individual carton) "Lung Saver, The Good Cough Syrup * * * Lung Saver Cough Syrup for * * * Croup, Coughs, Whooping Cough, Tightness and Soreness on the Breast, Asthma, Bronchitis, Grippe * * * The Lung Saver Co.;" (wholesale carton) "Lung Saver. The Good Cough Syrup, The Lung Saver Co."

On June 30, 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.*

17635. Misbranding of Ointrex. U. S. v. 12 Dozen Jars, et al., of Ointrex. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24739, 24743. I. S. Nos. 023684, 023687. S. Nos. 3100, 3102.)

Examination of samples of a drug product known as Ointrex, having shown that the labels of the article bore certain curative and therapeutic claims that were not justified by its composition, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On May 7, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 dozen tins and 16½ dozen jars of Ointrex, remaining in the original unbroken packages at Denver, Colo., consigned by the Rex Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., in various consignments on or about March 7, March 31, and April 15, 1930, respectively, and had been transported from the State of Missouri into the State of Colorado, 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 was an ointment with a petrolatum base containing volatile oils including origanum oil, camphor, menthol, and methyl salicylate.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "A scientifically developed ointment to relieve * * * Catarrh * * * Respiratory and Surface Inflammation and Congestion. * * * To relieve congestion and inflammation of the respiratory organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh * * * Hay Fever. * * * Sore Throat * * * Whooping Cough, Catarrh, Asthma and Hay Fever. * * * As A Liniment Or Dressing * * * Headache;" (carton containing jars) "A scientifically developed ointment to relieve colds, to arrest their development and prevent complications and serious consequences * * * to relieve congestion and inflammation of the respiratory organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh * * * Hay fever;" (circular accompanying jars) "Keep them Healthy. A Scientifically Developed Ointment to Relieve Colds, to Arrest Their Progress and Prevent Complications and Serious Consequences. Use Ointrex to Check