

Kreo-Fen, alleging that the article was in possession of the Drug Co. of Porto Rico (Inc.), San Juan, P. R., and was being sold and offered for sale in Porto Rico, 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 calcium compound, creosote, phenol, iodides, sugar, and water.

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, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, translated from Spanish) "Reconstructive Tonic * * * For The treatment of Coughs, Catarrhs * * * Bronchitis and Affections Broncho-Pulmonary in general;" (carton, translated from Spanish) "For the treatment of Cough, Catarrhs * * * Bronchitis and Broncho-Pulmonary Affections in general;" (cartons, English) "Tonic Reconstructive * * * For the Treatment of Coughs * * * Tightness and Soreness of the Breast and Broncho-Pulmonary Affections."

On February 4, 1931, 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.*

17943. Misbranding of Vial's phenic syrup. U. S. v. 25 Bottles of Vial's Phenic Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25574. I. S. No. 5727. S. No. 3827.)

Examination of samples of a drug product, known as Vial's phenic syrup, from the herein-described shipment having shown that the labels represented it to possess certain curative and therapeutic properties which in fact it did not possess, and that it was represented to be an antiseptic, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 bottles of Vial's phenic syrup at Aguadilla, P. R., alleging that the article had been shipped by E. Fougere & Co., New York, N. Y., to Porto Rico, on or about October 3, 1930, and that it was being sold and offered for sale by Jose Ferrari, Aguadilla, P. R., 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 phenol, morphine hydrochloride (0.02 grain per fluid ounce), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements appearing in the circular accompanying the article, namely, "By its antiseptic properties" and "The antiseptic properties of this Syrup," were false and misleading, since the said article was not antiseptic. Misbranding was alleged for the further reason that the following statements appearing on the bottle label and wrapper and in the circular, regarding the curative or 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 and wrapper) "Vial's Syrup is indicated in the treatment of Bronchial Affections, Catarrh, Asthma * * * Influenza, Whooping Cough, Hoarseness, Loss of Voice, etc. [similar statements in French];" (circular, English) "Vial's Compound Phenique Syrup. Indicated in the treatment of Bronchial Affections, Catarrh, Asthma, * * * Influenza, Whooping Cough, Hoarseness, Loss of Voice, etc. Phenique Acid is one of the active principles of tar so long employed for chest diseases, * * * It rapidly reduces the excess in the secretions of the respiratory organs and renders them sterile; * * * by its antiseptic properties speedily tends to remove that offensive taste and odor occasioned by the mucous secretions which have remained for a time in the large bronchial tubes or their ramifications, and more especially in the pulmonary caverns of consumptive patients. * * * valuable in catarrh affections generally, but particularly in those of the bronchial tubes. The antiseptic properties of this Syrup place it in the first rank in acute Bronchitis, Asthma, * * * Influenza, Granulation in the Throat, Hoarseness, and affection of the Voice, etc. The effect is as efficacious as it is rapid;" (circular, translation from Spanish) "Phenic Acid * * * so long employed for diseases of the chest. * * * The property of coagulating the blood that this

syrup possesses renders it very valuable for diseases of the chest, with or without blood sputums, and in all kinds of hemorrhages, either to avoid or to alleviate them when they exist; it also possesses the property of reducing with rapidity, the abundant secretions of the respiratory organs; * * * for catarrhal affections in general, and particularly for those of the bronchi. Its action is such in cases of acute bronchitis, asthma * * * catarrhs, granulations in the throat, hoarseness and in all affections of the voice, etc. * * * If we recall that the emanations of gas factories have been recommended for children suffering from whooping cough, and knowing that these emanations contain a large quantity of Phenic Acid, it will be clearly understood why Phenic Acid is prescribed to combat this long and painful disease, in which it effectively produces the best of results. It is employed in all these affections by taking a dose of three tablespoonfuls a day."

On February 4, 1931, 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.*

17944. Misbranding of Purola kidney and liver remedy, Purola Blood Cleanser, and Purola extract buchu compound. U. S. v. 22 Bottles of Purola Kidney and Liver Remedy, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24928, 24929, 24930. I. S. Nos. 023292, 023293, 023294. S. Nos. 3272, 3273, 3274.)

Examination of samples of the herein-described drug products having shown that the labels bore claims of curative and therapeutic properties that the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Washington.

On August 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of Purola kidney and liver remedy, 34 bottles of Purola Blood Cleanser, and 20 bottles of Purola extract buchu compound, remaining in the original unbroken packages at Spokane, Wash., consigned in part by the Frank Drug Co., Portland, Oreg., on or about January 20, 1930, and in part by the Blumauer-Frank Drug Co., Portland, Oreg., on or about January 28 and June 18, 1930, alleging that the articles had been shipped in interstate commerce from Portland, Oreg., into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Purola kidney and liver remedy consisted essentially of potassium acetate, extracts of plant drugs, including a laxative drug and an alkaloid-bearing drug, resins, a trace of a phenol, volatile oils, alcohol, sugar, and water; that the Purola Blood Cleanser consisted essentially of potassium iodide, extracts of plant drugs, alcohol, glycerin, and water; and that the Purola extract buchu compound consisted essentially of potassium acetate, extracts of plant drugs including buchu and a laxative drug, resins, sugar, alcohol (10.2 per cent), and water.

The articles were labeled in part: (Purola kidney and liver remedy, bottle) "Kidney and Liver Remedy * * * great value in cases of Irritated Bladder, Gravel, Catarrh of Bladder or Womb, Frequent and Painful Urination, Jaundice, Torpid Liver and their attendant discomforts, such as Bilioussness, Offensive Breath, Sallow Complexion, Dropsy and certain other ailments of Kidneys, Liver and Urinary Tract;" (Purola Blood Cleanser, bottle) "Blood Cleanser * * * Blood Purifier and Tonic in Such Cases as Skin Eruptions, Abscesses, Boils, Infections, or Scrofula and for Persons Suffering from a Generally Impaired Condition of the Blood from Unknown Causes * * * The potency of these drugs is well known in the elimination of blood humors and may be depended upon for results;" (Purola extract buchu compound, bottle) "Extract * * * For treating certain ailments of the Urinary Organs, Bladder and Kidneys. Such as Non-retention of Urine, Inflammation of Bladder or Uretha, Pain or Smarting when Urinating, Catarrh of Bladder, Gravel or Mucous Discharges."

It was alleged in the libel that the articles were misbranded in that the above-quoted statements appearing on the bottle labels, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On January 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*