

the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "Surface Wounds such as Lacerations, Abrasions and Cuts * * * Barber's Itch * * * Rectal * * * Fissures;" (circular) "Surface Wounds, such as Lacerations, Abrasions and Cuts * * * Chilblains Barber's Itch."

On April 22, 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.*

18363. Misbranding of Luebert's Nox'Em pain tablets. U. S. v. 3 Dozen Boxes of Luebert's Nox-Em Pain Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26115. I. S. No. 27879. S. No. 4318.)

Examination of a drug product, known as Luebert's Nox'Em pain tablets, having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On March 27, 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 3 dozen boxes of Luebert's Nox'Em pain tablets, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by A. Gustav Luebert, from Coatesville, Pa., on or about September 10, 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 of acetanilid (3.25 grains per tablet), caffeine, sodium bicarbonate, strychnine, and starch.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, 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) "Pain Tablets * * * Promptly relieve all cases of Sick Nervous Headache, Sea or Car Sickness, Ovarian Pains, Painful Menstruation, Toothache, Faceache, Backache, Rheumatic Pains and Grippe;" (circular) "Pain Tablets Allay Nerve Pains, Headaches, Neuralgia, Woman's Aches and Ills, La Grippe These tablets are for the relief of pain no matter where located. * * * relieve headache, either mild or severe, acute or chronic, sick, nervous or neuralgic. They give safe, prompt and positive relief for nerve-racking headache and disperse it so quickly that you will wonder what has become of it. * * * They stop nerve pains, such as neuralgia of the head, face, neck and back, including toothache, faceache, earache and all pains located along the nerve tracts. They ease painful menstruation, periodic, bearing-down and ovarian pains. They are excellent for * * * fever and grip."

On April 22, 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.*

18364. Misbranding of Marshall's prepared cubeb cigarettes. U. S. v. 9 Gross Small Size, et al., of Marshall's Prepared Cubeb Cigarettes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25663. I. S. No. 12128. S. No. 3927.)

Examination of Marshall's prepared cubeb cigarettes having shown that the carton labels and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the interstate shipment herein described, involving a quantity of the product at San Francisco, Calif.

On January 15, 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 9 gross, small size, and 6 gross, large size, of Marshall's prepared cubeb cigarettes, remaining in the original unbroken packages at San Francisco, Calif., consigned by James B. Horner (Inc.), New York, N. Y., alleging that the article had been shipped in interstate commerce from New York, N. Y., into