

On May 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.*

**18550. Misbranding of Vernas. U. S. v. 11 Large-Sized Bottles, et al., of Vernas. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 26251. I. S. Nos. 27953, 27954, 27955. S. No. 4356.)

Examination of a drug product, known as Vernas, from the shipment herein described showed that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. It was further claimed for the article that it was an antiseptic for certain purposes when diluted according to directions, whereas it was not.

On April 20, 1931, the United States attorney for the eastern district of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 large-sized bottles, 22 medium-sized bottles, and 34 small-sized bottles of Vernas, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vernas Chemical Co., Paterson, N. J., alleging that the article had been shipped from Paterson, N. J., on or about December 17, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drug act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc chloride, saccharin, volatile oils including clove oil, cassia oil, and peppermint oil, alcohol, glycerin, and water. Bacteriological examination showed that the article was not antiseptic in the dilution recommended for the douche (feminine hygiene).

It was alleged in the libel that the article was misbranded in that the statements appearing on the carton, "Antiseptic \* \* \* effective \* \* \* for feminine hygiene," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and bottle labels and in the circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Promotes Nose and Throat Health \* \* \* Strengthens Spongy, Bleeding Gums \* \* \* Sores \* \* \* Prophylactic;" (bottle) "Bleeding gums \* \* \* Sore Throat.—Gargle with Vernas full strength several times daily. (Make this a habit during winter and spring months as a preventative.) \* \* \* prophylactic;" (circular) "Imbedded germ colonies can not escape the New Vernas. It goes deep down to destroy these disease breeding spots, which are constantly forming. \* \* \* Stimulates your enzymes—tones your tissues \* \* \* To fight Sore Throat \* \* \* For Sore Throat. Sore throat is a danger signal that should never be neglected. A sore throat may be caused by a highly contagious disease like diptheria \* \* \* The New Vernas should be used as a gargle, \* \* \* For Bleeding Gums, and Mouth Infections."

On May 11, 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.*