

shipped by Frank Nau, from Portland, Oreg., on or about October 16, 1930, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Nau's Dyspeptic Relief by this department showed that the article consisted of a liquid containing extracts of plant drugs including licorice and golden seal, glycerin, alcohol, and water; and tablets containing bismuth subnitrate, ginger, peppermint oil, and sugar.

It was alleged in the libel as amended that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Outside carton) "Dyspeptic Relief * * * For Relief in Stomach Trouble. * * * Intended For The Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach. * * * Stomach Disorders * * * Distress after Eating, Returning of Food into Mouth, Gnawing at Pit of Stomach, Coated Tongue, Headache, Dizziness;" (bottle) "Dyspeptic Relief * * * For Stomach Troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach;" (carton containing tablets) "Dyspeptic Relief Tablets. To be Taken in Conjunction with the Liquid Medicine to Assist in Relief of Stomach Troubles, Dyspepsia, Indigestion, Dilatation, and Catarrh of the Stomach * * * Remedy."

On September 30, 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.*

18729. Misbranding of Teethina. U. S. v. 28 Dozen Boxes of Teethina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26881. I. S. No. 29244. S. No. 5070.)

Examination of a drug product, known as Teethina, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties, which in fact it did not possess, also that the product could not be considered safe and harmless as represented in the labeling, the Secretary of Agriculture reported to the United States attorney for the Eastern District of New York the interstate shipments herein described, involving a quantity of the article located at Brooklyn, N. Y.

On August 18, 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 28 dozen boxes of Teethina, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the C. J. Moffett Medicine Co., from Columbus, Ga., in part on or about June 4, 1931, and in part on or about June 29, 1931, and had been transported from the State of Georgia into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Teethina by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, calomel, and sugar, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "It is * * * harmless. * * * 'Teethina' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers may use it freely with their babies from infancy until they get in their teens." It was alleged in substance in the libel that the article was further misbranded in that it contained no ingredient or combination of ingredients capable of producing the effects claimed, and that the said claims were applied to the article knowingly or in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof. The curative or therapeutic claims appearing in the labeling of the product which were quoted in the libel, were as follows: (Box) "Teething Powders Teethina * * * Directions * * * Diarrhea—Children under 2 yrs. 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging cease or child becomes

quiet. Colic—Infants and children subject to frequent attacks, one powder two or three times a week, until the tendency to this painful trouble is overcome. When children are Fretting, Tossing and Wakeful at night from Worms or other irritations, give a powder every few nights until child rests quietly;" (circular) "For Diarrhea. Children under two (2) years of age, one (1) powder should be given every four hours until the bowels are checked, * * * If the child is over two (2) years old, give one (1) powder every three hours until the same result is obtained. For Cholera Morbus. Give one powder every two (2) hours, until the vomiting and purging ceases or the child becomes quiet and rests. For Colic. To infants and children subject to frequent attacks of Colic, give a powder two or three times a week, until the tendency to this painful trouble has been overcome. Worms and Other Irritations. When children are fretting, tossing and wakeful at night from a tendency to Worms or other irritations, give a powder every few nights until child rests quietly. Mother's baby is mother's prize possession, and she wants to be assured that whatever she gives baby will not only bring relief, * * *"

On September 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.*

18730. Misbranding of Teethina. U. S. v. 23½ Dozen Packages of Teethina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26901. I. S. No. 35832. S. No. 5082.)

Examination of a drug product, known as Teethina, having shown that the labeling contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, also that the product could not be considered safe and harmless, as represented in the labeling, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Louisiana the interstate shipment herein described, involving a quantity of the product located at New Orleans, La.

On or about August 24, 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 23½ dozen packages of Teethina, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the C. J. Moffett Medicine Co., Columbus, Ga., on or about June 30, 1931, and had been transported from the State of Georgia into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Teethina by this department showed that it consisted essentially of bismuth subnitrate, calcium carbonate, sodium citrate, calomel, and sugar, flavored with ground cinnamon.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and misleading: "It is * * * harmless. * * * 'Teethina,' * * * is guaranteed to contain no harmful drugs of any description—it is so safe and harmless, * * * that mothers may use it freely with their babies from infancy until they get in their teens." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing on the box label and on the accompanying display carton and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "Teethina. Soothing Relief for Teething Babies * * * Safe soothing relief for teething babies and young children;" (box) "Teething Powders. Teethina * * * Directions * * * Diarrhea—Children under 2 yrs. 1 powder every 4 hrs. until bowels are checked, * * * If child is over 2 yrs. give 1 powder every 3 hrs. until same result is obtained. Cholera Morbus—One powder every 2 hours until vomiting and purging ceases or child becomes quiet. Colic—Infants and children subject to frequent attacks, one powder two or three times a week, until the tendency to this painful trouble is overcome. When children are Fretting, Tossing and Wakeful at night from Worms or other irritations, give a powder every few nights until child rests quietly;" (circular) "For Diarrhea. Children under two (2) years of age one (1) powder should be given every four hours until the bowels are checked, * * * If the child is over two (2) years old, give one (1) powder every three hours until the same result is obtained. For Cholera Morbus. Give one