

18939. Misbranding of Phen-Amy-Caps. U. S. v. 58 Packages, et al., of Phen-Amy-Caps. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27043, 27081. I. S. Nos. 38809, 38814. S. Nos. 5221, 5316.)

Examination of the drug product Phen-Amy-Caps showed that the labeling of the article bore statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The article contained phenacetin, a derivative of acetanilid, and failed to bear on the label a statement of the quantity or proportion of the said phenacetin contained therein, since the declaration was inconspicuously made in small type on the back of the box and did not include a statement to the effect that phenacetin is a derivative of acetanilid.

On October 6 and October 15, 1931, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 166 packages of Phen-Amy-Caps, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Franklin Laboratory from Portland, Me., on or about September 4 and September 5, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article showed that it consisted of capsules containing in each acetphenetidin (60 milligrams), amidopyrine (223 milligrams), caffeine (26 milligrams), and an extract of a mydriatic drug such as hyoscyamus.

It was alleged in the libels that the article was misbranded in that the label failed to bear a statement of the quantity or proportion of phenacetin contained in the said article, since the statement declaring the presence of phenacetin was not plainly and conspicuously made on the label and, further, in that the label did not bear a statement that phenacetin is a derivative of acetanilid. Misbranding was alleged for the further reason that the following statements appearing on the tin container and display carton, 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: "To Relieve Pain * * * Used In the Treatment of * * * Toothache, Neuritis, Rheumatism, Periodical Pains."

On November 9, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18940. Misbranding of Stevens Anti-Amebic dentifrice. U. S. v. 3 Dozen Packages of Stevens Anti-Amebic Dentifrice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26996. I. S. No. 37910. S. No. 5213.)

Examination of samples of Stevens Anti-Amebic dentifrice having shown that certain statements appearing on the label of the tube containing the article represented that it possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Pennsylvania the interstate shipment herein described, involving a quantity of the product located at Philadelphia, Pa.

On September 25, 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 three dozen packages of the said Stevens Anti-Amebic dentifrice, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Stevens Medical Manufacturing Co., Brooklyn, N. Y., on or about August 29, 1931, and had been transported from the State of New York into the State of Pennsylvania, 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 calcium carbonate, soap, a gum, a small proportion of ipecac alkaloids, volatile oils including peppermint oil, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the tube, 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: "For the Prevention and Treatment of Pyorrhea or Rigg's Dis-