

18960. Adulteration and misbranding of almond oil. U. S. v. Eighteen 1-Gallon Cans of Almond Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27095. I. S. No. 38411. S. No. 5314.)

Samples of the product herein described having been found to consist wholly or in large part of oil or oils other than almond oil, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On or about October 23, 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 eighteen 1-gallon cans of almond oil at San Juan, P. R., alleging that the article had been shipped on or about July 11, 1931, by R. Fabien & Co. (Inc.), New York, N. Y., to San Juan, P. R., that it was being sold and offered for sale in Puerto Rico by the Sociedad Cooperativa Farmaceutica de Puerto Rico, San Juan, P. R., and that it was adulterated and misbranded in violation of the food and drugs act. The article was labeled in part: "Imitation * * * U. S. Standard * * * Imitation Pure Almond Oil Aceite De Almendras Comercial * * * Wm. McDonagh & Sons. * * * New York, U. S. A. Maxon Brand." The English word "Imitation" was rubber stamped on the label, but the main descriptive portion of the label, namely "Acetite De Almendra Comercial [Commercial Oil of Almonds]," appeared in Spanish.

Analysis of a sample of the article by this department showed that it consisted essentially of a fatty oil such as corn oil or a mixture of oils other than almond oil.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Aceite De Almendras," since it was not almond oil.

Misbranding was alleged for the reason that the statement, "Aceite De Almendras," borne on the label, was false and misleading; and for the further reason that the article was an imitation of another article, namely, almond oil.

On November 28, 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.*

18961. Misbranding of lithiated sorghum compound. U. S. v. 9% Dozen Bottles of Lithiated Sorghum Comp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27061. I. S. No. 38321. S. No. 5280.)

Examination of a drug product, known as lithiated sorghum compound, from the shipment herein described having shown that the carton label and 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 Southern District of New York.

On October 10, 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% dozen bottles of lithiated sorghum compound, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about September 5, 1931, and had been transported from the State of Pennsylvania into the State of New York, 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 lithium benzoate (0.4 gram per 100 milliliters), lithium citrate (2.8 grams per 100 milliliters), extracts of plant drugs including hydrangea, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the treatment of acute and chronic cystitis, nephritic colic, pyelitis, irritable bladder, uric acid diathesis, rheumatism, gout and dropsy;" (circular) "This product has been effectively employed in cases of difficult micturition and irritability of the bladder occasioned by hyperacidity of the urine. In that form of incontinence of urine due to atony of the

sphincter of the bladder and in the nocturnal incontinence of urine in children, excellent results have been reported by numerous clinicians from the use of Lithiated Sorghum Comp."

On December 8, 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.*

18962. Misbranding of Best's vaginal cones. U. S. v. 19 Boxes, et al., of Best's Vaginal Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26288. I. S. Nos. 14627, 14628. S. No. 4565.)

Examination of a drug product, known as Best's vaginal cones, from the shipments herein described having shown that the carton label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 27, 1931, the United States filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 boxes of Best's vaginal cones at Chicago, Ill., alleging that the article had been shipped by the Best Cone Co., from New York, N. Y., in part on August 29, 1930, and in part on February 28, 1931, and had been transported from the State of New York into the State of Illinois, 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 base of theobroma oil in which were incorporated boric acid and quinine sulphate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and in the accompanying circular, were false and fraudulent; and in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents or combinations, effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said carton and in the said circular: (Carton) "A Uterine Tonic For All Ailments Peculiar to Women * * * A Uterine Tonic * * * Are used as an aid in the treatment of Painful Menstruation (Cramps), Irregular Menses, Scanty and Profuse Menses, Flooding, Monthly Regulator, Periodical Headaches, Dizziness, Leucorrhoea and Odorous Discharges, Inflamed Ovaries, Bearing-Down Pains, Backache, Bloating, Falling of the Womb, Change of Life and its complications, Vaginitis, Vulvitis, Pruritus (Itching), Ulcerations, Piles, Inflamed Condition of the Uterus and Vaginal Tract, Extreme Nervousness, Nausea and Difficult Conditions in Pregnancy, Sterility, Liability to Miscarriage, and other weaknesses of the genital organs not specifically mentioned;" (circular) "A Uterine Tonic * * * Directions * * * To obtain the best results * * * neutralize bad odors and keep the tissues in a healthy condition. * * * For Painful Menstruation and Periodical Headaches; * * * each night on retiring until the difficulty is overcome. For Scanty or Profuse Menstruation: * * * Until the flow is natural and normal. For flooding: * * * every hour until the condition subsides, As a Monthly Regulator: * * * until normal periods are established. For Leucorrhoea ('Whites') and Odorous Discharges: * * * night on retiring until the discharge ceases. Waste matter or pus if present will be passed away in the first few days as healing takes place; * * * For Vaginitis, Vulvitis, and Pruritus (Itching): * * * Relief speedily follows. For Prolapsus (Falling of the Womb), Bearing-Down Pains, and Backache: * * * regularly each night until strength is restored. * * * For Inflamed Ovaries, Ulcerations, Inflammation, and Tumorous Conditions of the Uterus: * * * regularly and in sufficient quantities to establish healthy conditions. For Extreme Nervousness: * * * until relieved. For Change of Life: * * * night, according to the severity of the case. They aid in the relief of Hot Flashes, Palpitation, Dizziness, High Blood Pressure, Bloating, and accompanying Nerve Disorders of the Stomach. During Pregnancy: Use the * * * regularly each night for relieving morning