

tained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the General Relief of Pain, Especially Rheumatism, Neuralgia, Grippe;" (envelope) "For Relief of Rheumatism."

On January 25, 1932, 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.*

**19170. Misbranding of Ozo Mist. U. S. v. 41½ Dozen Bottles of Ozo Mist. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28103. I. S. No. 28148. S. No. 4404.)**

Examination of samples of a drug product, known as Ozo Mist, from the shipment herein described showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling. The labeling also bore an incorrect declaration of the quantity or proportion of alcohol contained in the article.

On March 28, 1931, the United States attorney for the Western 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 41½ dozen bottles of Ozo Mist, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Adson Chemical Co. (Inc.), Buffalo, N. Y., on or about October 25, 1930, 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 volatile oils including methyl salicylate, menthol, and eucalyptol (36 per cent by volume), alcohol (58 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a correct statement on the label of the quantity or proportion of alcohol contained therein, since the stated quantity was incorrect. Misbranding was alleged for the further reason that the following statements appearing on the label were false and fraudulent: (Bottle label) "For \* \* \* Hay Fever, Catarrh, Asthma;" (carton label) "For \* \* \* Hay Fever, Catarrh, Asthma;" (circular) "Only by checking the cold at the start, can you be safe against grippe, bronchitis, 'flu' or the many more serious illnesses that result from common colds. \* \* \* is helpful in certain nasal and bronchial conditions, catarrh, Hay Fever and Asthma."

On November 16, 1931, the Adson Chemical Co. (Inc.), of New York, N. Y., claimant, having admitted the allegations of the libel and having consented to condemnation and forfeiture of the property, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled and that it should not be disposed of in violation of the Federal food and drugs act or the laws of any State, Territory, or insular possession of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19171. Adulteration and misbranding of I-Heal-I-Tone and misbranding of Shapley's vegetable prescription, Shapley's liver tonic, I-Heal-I-Tone, Shapley's Derol, Unguentum Camphoratum, and Shapley's Tonup. U. S. v. 47 Packages of Shapley's Vegetable Prescription, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26951, 26952, 26953, 26974, 26975. I. S. Nos. 25547, 25548, 25549, 35707, 35708. S. Nos. 5133, 5181.)**

Examination of Shapley's vegetable prescription, Shapley's liver tonic, I-Heal-I-Tone, Shapley's Derol, Unguentum Camphoratum, and Shapley's Tonup showed that the labeling of the articles bore statements representing that they possessed curative and therapeutic properties which in fact they did not possess. Shapley's Tonup contained less alcohol than declared on the label, and the I-Heal-I-Tone was represented to be antiseptic, whereas it was not.

On September 11 and 17, 1931, the United States attorney for the Western District of Missouri, 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 47 packages of Shapley's vegetable prescription (each package also containing a sample of Shapley's liver tonic contained in an envelope), 23 large and 22 small boxes of I-Heal-I-Tone, 48 packages of Shapley's Derol, 2¾ dozen jars of Unguentum Camphoratum, and 6 dozen bottles of Shapley's Tonup, remaining in the original unbroken packages at Kansas City,

Mo., alleging that the articles had been shipped by Shapley Drug Co. (Inc.), of Deland, Ill., from Decatur, Ill., in part on or about June 2, 1931, and in part on or about August 20, 1931, and had been transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding of the I-Heal-I-Tone, and misbranding of the remaining products in violation of the food and drugs act as amended.

Analysis by this department of a sample of I-Heal-I-Tone showed that it consisted essentially of borax, zinc sulphate, and a trace of thymol. Bacteriological examination showed that the product was not antiseptic. Analysis by this department of a sample of Shapley's vegetable prescription showed that it consisted essentially of extracts of plant drugs including valerian, alcohol (14.3 per cent by volume), sugar, and water. Examination by this department of a sample of Shapley's liver tonic showed that it consisted of pills containing phenolphthalein. Analysis by this department of a sample of Shapley's Derol showed that it consisted of mineral oil and volatile oils including menthol and eucalyptol. Analysis by this department of a sample of the Unguentum Camphoratum showed that it consisted essentially of volatile oils (4.1 per cent) including camphor and menthol incorporated in petrolatum. Analysis by this department of a sample of Shapley's Tonup showed that it consisted essentially of extracts of plant drugs including a laxative drug, small proportions of calcium, magnesium, and phosphorus compounds, water, and 5.3 per cent of alcohol.

Adulteration of the I-Heal-I-Tone was alleged for the reason that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic.

Misbranding of Shapley's Tonup was alleged for the reason that the statement appearing in the labeling, "Alcohol 10%," was false and misleading when applied to an article containing a less amount; and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration of alcohol was incorrect. Misbranding of all of the articles was alleged for the reason that the following statements regarding the curative or therapeutic effects were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Shapley's vegetable prescription, carton and bottle label) "Recommended as a Tonic, Regulator and Invigorator to the Female Organs. It is especially recommended for Painful and Suppressed Menses, Cramps, Sickness, Faint Spells, Nervousness, Flooding and the various Distressing Symptoms of Change of Life. Directions \* \* \* When pains are severe it can be taken every hour. This remedy has also proven itself wonderfully efficient for the many peculiar and distressing symptoms of 'Change of Life.' When using for this purpose take it regularly 1 teaspoonful in  $\frac{1}{2}$  glass of hot water 4 times a day;" (Shapley's liver tonic, sample envelope inclosed in package with Shapley's vegetable prescription) "Liver Tonic \* \* \* We believe this to be the very best conceivable prescription for a Liver Tonic and System Cleanser;" (Shapley's Derol, carton and bottle) "Useful in the treatment of Sinus trouble \* \* \* Catarrh, Tonsillitis, and various Nose & Throat Troubles. For Sinus, Nose or Head Trouble, use with Atomizer or Medicine Dropper. For Throat or Tonsils, use with Atomizer 3 or 4 times daily;" (I-Heal-I-Tone, carton) "Use I-Heal-I-Tone as follows Catarrh \* \* \* Wounds, Boils, or Abscesses \* \* \* Sore Throat, Tonsillitis, Quinsy, Etc: Gargle Hot Strong Solution frequently. \* \* \* I-Heal-I-Tone will be found very efficient in all Skin Troubles, Eczema \* \* \* Etc. \* \* \* Leucorrhoea or Whites, Vaginitis \* \* \* and all Vaginal discharges. Two teaspoonfuls to a pint of warm water, injected twice a day until discharge ceases;" (Unguentum Camphoratum, carton) "Unguentum Camphoratum \* \* \* A valuable remedy for catarrh, hay fever, \* \* \* earache, \* \* \* headache, \* \* \* Spanish influenza, croup, etc.;" (bottle) "Unguentum Camphoratum \* \* \* A valuable remedy for Catarrh, Hay Fever, \* \* \* Headache, Earache \* \* \* Spanish Influenza, Croup, etc.;" (Shapley's Tonup, carton) "Tonup \* \* \* Recommended as a \* \* \* Regulator and Invigorator to the Human System. \* \* \* have a Tonic and Cleansing Action upon the Blood, Liver, Bowels, etc. Therefore Tonup is Recommended for \* \* \* Loss of Strength, Fatigue, Malarial Conditions, General Debility, Liver and Bowel Disorders. Valuable in Anemia, Exhaustion from Overwork, Nervousness and Weakness. An Excellent Reconstructive Tonic;" (Shapley's Tonup, bottle) "Tonup \* \* \* Recommended as a Regulator and Invigorator to the Human System. \* \* \*

have a Tonic and Cleansing Action upon the Blood, Liver, Bowels, etc. Therefore Tonup is Recommended for \* \* \* Loss of Strength, Fatigue, Malarial Conditions, General Debility, Liver and Bowel Disorders. Valuable in Anemia, Exhaustion from Overwork, Nervousness and Weakness. An Excellent Reconstructive Tonic."

On December 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19172. Misbranding of Nalther tablets. U. S. v. 20 Packages of Nalther Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27204. I. S. No. 38816. S. No. 5355.)**

Examination of a drug product known as Nalther tablets from the shipment herein described having shown that the labeling represented 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 Massachusetts.

On October 31, 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 20 packages of Nalther tablets, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the M. A. Winter Co., from Washington, D. C., on or about September 17, 1931, and had been transported from the District of Columbia into the State of Massachusetts, 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 capsicum, spearmint, and laxative plant drugs including rhubarb, senna, and aloe.

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 article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton B, very small) "Taken As A Laxative, \* \* \* will effect \* \* \* natural evacuation, \* \* \* known \* \* \* as 'Nature's Health Restorer,'" (carton A) "Nature's Health Restorer \* \* \* Taken as a Laxative, \* \* \* will effect \* \* \* natural evacuation, \* \* \* in the correction of disorders arising from impure blood, torpid liver and impaired digestion," (circular) "A remedy for various Diseases or Symptoms Arising from a Disordered Condition of the Digestive Organs \* \* \* acts simultaneously Upon the Stomach, Intestines, Liver and Kidneys \* \* \* Nature's Health Restorer as follows: 'Na' from Natures, 'Lth' from Health, and 'Er' from Restorer. \* \* \* the most effective for a disordered condition of the digestive system. \* \* \* First and Foremost these tablets are a direct treatment for many of the diseases and disorders caused by a disordered condition of the digestive system, or any organ or organs thereof. \* \* \* the remedies used act directly upon each of the principal digestive organs, such as the stomach, liver, large intestines, small intestines, etc. Thus these tablets are more effective and far-reaching than a single medicine which acts only upon one organ. This is especially true because, when one organ is out of order, others are apt to be sympathetically affected, just as a cinder in one eye inflames and causes the other to water. Therefore, a remedy which not only acts directly upon a disordered organ but also stimulates and strengthens its associated organs must approach the height of effectiveness. An Auxiliary: \* \* \* For instance, in cases of Malaria or La Grippe where quinine is commonly given as a specific, a purgative is a valuable auxiliary in their treatment. A Preventive: Another use is that as a preventive of disease, because if taken regularly these tablets tend to keep the stomach, intestines, liver, and kidneys in a healthy condition which when disordered are the source of so many ills. On the other hand, when these organs are performing their functions properly there is a strong assurance of health. \* \* \* A Tonic: These tablets possess an excellent effect with a tendency toward strengthening and toning up the entire system and also toward relieving feelings of weakness, depression and debility. \* \* \* As A Restorative: These tablets may be used effectively. That is to say they are a valuable aid in relieving the distressing effects caused by over-indulgence in alcoholic liquors, food, etc., and also by exertion resulting in languor and fatigue, such as railroad travel.