

Misbranding of the antiseptic solution was alleged for the reason that the statements, "Antiseptic Solution (Liquor Antisepticus) * * * Contains 28% Alcohol Manufactured According to National Formulary Fifth Edition," were false and misleading, and for the further reason that the statements regarding its curative or therapeutic effects, "Sore Throat—Gargle either diluted with water or full strength," appearing on the label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding of the said San-I-Cide mouth wash was alleged for the reason that the statements on the label, "San-I-Cide Mouth Wash * * * An Effective * * * Antiseptic * * * Contains * * * well known antiseptics * * * San-I-Cide is a pleasant, penetrating antiseptic mouth wash," were false and misleading when applied to an article which was not antiseptic when used as directed. Misbranding was alleged with respect to the said San-I-Cide mouth wash for the further reason that the following statements appearing on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "It makes the gums firm, healthy, and prevents receding. Aids in treating and preventing pyorrhea. Used as a spray or as a gargle, San-I-Cide gives relief in treating sore throat, tonsillitis. * * * is of great value in guarding against influenza, grippe, * * * and other infectious diseases. * * * The daily use of San-I-Cide will keep * * * the gums firm and healthy, * * * and by keeping the tissues of the mouth and throat in a firm and healthy condition will guard the entire system against contagion and disease. * * * A small quantity added to water when brushing the teeth will make the gums firm, * * * Will keep the tissue of the mouth and throat in a healthy condition. Bleeding Gums—Use as a mouth wash three times a day. Sore Throat and Tonsillitis—Dilute with an equal amount of hot water and use as a gargle or spray, * * * Sore Mouth—Use full strength as a wash."

On June 22, 1932, no claimant having appeared for the property, judgments were entered ordering that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19658. Adulteration and misbranding of Ward's antiseptic tooth paste, and misbranding of Dr. Ward's Celebrated liniment, Ward's roup and white diarrhoea remedy, Ward's medicated poultry tonic, Ward's stock tonic, Ward's pills, Ward's kidney and bladder medicine, and Ward's pain reliever. U. S. v. Dr. Ward's Medical Co. Plea of nolo contendere. Fine \$240. (F. & D. No. 27442. I. S. Nos. 625, 692, 11664, 11669, 24557, 24558, 24559, 24560, 24561, 24564, 24565, 24566, 24567, 24568, 24978, 24979, 24980, 24981, 24982, 25159.)

This action was based on interstate shipments of various drug preparations recommended for man and animals. Analyses showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. The so-called antiseptic tooth paste was not antiseptic; the Ward's medicated poultry tonic contained sodium sulphate, which was not named on the label with the other declared ingredients.

On June 21, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Dr. Ward's Medical Co., a corporation, Winona, Minn., alleging shipment by said company in violation of the food and drugs act, as amended, of quantities of the said drug preparations which were misbranded, and of a quantity of Ward's antiseptic tooth paste which was adulterated and misbranded. The violations charged in the information embraced quantities of Dr. Ward's Celebrated liniment shipped between the dates of April 7 and October 9, 1930, from the State of Minnesota into the State of California; quantities of Ward's roup and white diarrhoea remedy, Ward's medicated poultry tonic, Ward's stock tonic, Ward's pills, and Ward's kidney and bladder medicine, shipped on or about March 14, 1931, from the State of Minnesota into the State of Michigan; and quantities of Ward's roup and white diarrhoea remedy, Ward's pills, Ward's antiseptic tooth paste, Ward's kidney and bladder medicine, and Ward's pain reliever, shipped between the dates of December 25, 1930, and March 31, 1931, from the State of Minnesota into the State of Iowa.

Analyses by this department of samples of the various preparations showed that Ward's liniment consisted essentially of volatile oils including sassafras oil and camphor, a pungent principle, soap, alcohol, and water colored with a red dye; that the roup and white diarrhoea remedy consisted essentially of potassium permanganate (20 per cent), copper sulphate (40 per cent), and boric acid (40 per cent); that the medicated poultry tonic consisted essentially of ground plant material including red pepper, ground clam shells, sulphur, charcoal, sodium sulphate, and a small proportion of iron sulphate; that the stock tonic consisted essentially of sodium chloride, sulphur, sodium sulphate, iron sulphate, a small proportion of sodium bicarbonate, charcoal, and ground plant material including fenugreek and red pepper; that Ward's pills consisted essentially of extracts of plant drugs such as uva ursi and buchu, juniper oil, methylene blue, and potassium nitrate; that the kidney and bladder medicine consisted essentially of sodium phosphate, sodium acetate, small proportions of sodium benzoate, uva ursi, and a laxative plant drug, and glycerin and water, flavored with vanillin and coumarin; that the pain reliever consisted essentially of small proportions of essential oils including sassafras oil and camphor, a pungent principle, soap, alcohol, and water; that the antiseptic tooth paste consisted essentially of calcium carbonate (29 per cent), talc (9 per cent), glycerin (20 per cent), and water, flavored with peppermint oil and sweetened with glycerin. Bacteriological examination of the tooth paste showed that the article failed to kill a resistant strain of *Staphylococcus aureus* in fifteen minutes at body temperature; the article was, therefore, not antiseptic.

It was alleged in the information that the said Ward's antiseptic tooth paste was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, and in that it was represented to be antiseptic, whereas it was not antiseptic.

Misbranding of the said tooth paste was alleged for the reason that the statement "antiseptic" borne on the tubes and cartons was false and misleading, since the article was not antiseptic. Misbranding was alleged with respect to the Ward's medicated poultry tonic for the reason that the statement, "This preparation contains the following ingredients: Gentian, Capsicum, Blood Flour, Clam Shells, Ginger, Sulphur, Shorts and Charcoal, carefully blended," was false and misleading, since the said statement represented that the article consisted wholly of the said named ingredients, whereas it consisted in part of sodium sulphate. Misbranding was alleged with respect to Ward's antiseptic tooth paste for the reason that certain statements, designs, and devices appearing on the tubes and cartons falsely and fraudulently represented that the article was effective to harden the gums and counteract the causes of decay, whereas it was not. Misbranding was alleged with respect to the Ward's medicated poultry tonic for the reason that certain statements, designs, and devices appearing on the carton label, falsely and fraudulently represented that the article was effective to produce strong, healthy poultry and to increase the production of eggs; and effective as a preventive and cure of diseases in chickens, ducks, turkeys, geese, and all other kinds of poultry; and effective to purify the blood, regulate the liver and digestive organs; and effective to make fowls strong and active and effective to make hens lay in cold weather, and effective to promote the growth of young chicks and to fatten chickens, whereas it would not be effective for the said purposes. Misbranding of Dr. Ward's Celebrated liniment was alleged for the reason that certain statements, designs, and devices appearing on the labels of the bottles and cartons and in an accompanying circular falsely and fraudulently represented that it would be effective as an antidote for alkali water; effective to relieve thirst; effective as a treatment for all troubles emanating from changing and drinking bad water; effective as a treatment for troubles caused by eating unripe fruit and for all poisons emanating from decay and putrefaction; effective as a treatment, remedy, and cure for cholera morbus, diarrhoea, dysentery, ordinary colic, chills and ague, ordinary sore throat, swellings, chilblains, muscular rheumatism, sweeny, and colic, and as a treatment, remedy, and cure for aches, cholera morbus, diarrhoea, chronic inflammation of the stomach, ordinary colic, ordinary coughs, cramps, ordinary sore throat, dysentery, earache, piles, and rheumatic pains; effective as a treatment, remedy, and cure for colic, coughs and colds, scour, swollen joints or muscles, and sweeny in horses; and effective as a treatment, remedy, and cure for scour and bloat in cattle, whereas it would not be

effective for the said purposes. Misbranding was alleged with respect to the Ward's roup and white diarrhoea remedy for the reason that certain statements, designs, and devices appearing on the box label falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for roup, white diarrhoea, and cholera, whereas it was not. Misbranding was alleged with respect to the Ward's stock tonic for the reason that certain statements, designs, and devices appearing on the carton label and leaflet falsely and fraudulently represented that it would be effective to strengthen and regulate the bowels, stomach, kidneys, and liver, aid digestion and assimilation, tone the system and prevent ordinary ailments in cattle, horses, hogs, and sheep; and effective to produce rapid growth, cleanse the system, and build up weak and overworked animals; effective as a treatment, remedy, and cure for epizootic, liver troubles, distemper, hide bound, roughness of hair, loss of appetite and impurity of blood in horses; effective to increase the quantity and quality of milk, tone the system and prevent disease in cows; effective to fatten cattle; effective to develop rapid growth in hogs; effective to strengthen suckling sows and to raise strong and healthy pigs; effective to prevent the ordinary ailments and to insure rapid growth in pigs; effective to fatten hogs and as a treatment, remedy, and cure for coughs; effective to keep stock in good healthy condition; effective to increase flesh and wool in sheep; and effective to prevent disease and insure rapid growth in pigs; whereas it would not be effective for the said purposes. Misbranding was alleged with respect to Ward's kidney and bladder medicine for the reason that certain statements, designs, and devices appearing on the bottle labels and in an accompanying circular falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for inflammation of the kidneys and bladder, backache, rheumatism due to kidney disorders and various urinary irregularities; and effective as a treatment, remedy, and cure for kidney, bladder, and urinary disorders; whereas it would not be effective for the said purposes. Misbranding of Dr. Ward's pills was alleged for the reason that certain statements, designs, and devices appearing in an accompanying circular falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for backache, kidney complaints, and diseases arising from disorders of the kidneys and bladder; effective as a quick relief for backache, bladder irritation, congestion of the kidneys, lame back, diabetes, gravel, lumbago, nonretention of urine, and other urinary troubles; and effective as a treatment, remedy, and cure for prostatic troubles; effective to restore a healthy condition to the kidneys and produce pure blood; and effective as a treatment, remedy, and cure for rheumatism, gouty conditions, lumbago, and pain in the back; whereas it would not be effective for the said purposes. Misbranding was alleged with respect to Ward's pain reliever for the reason that certain statements, designs, and devices appearing on the bottle labels falsely and fraudulently represented that it would be effective, when used externally or internally, as a pain reliever; effective as a treatment, remedy, and cure for la grippe, headache, sore throat, mumps, cholera morbus, diarrhoea, colic or cramping, catarrh, neuralgia, rheumatism, spinal affection, frosted limbs, and sprains; whereas it would not be effective for the said purposes.

On June 21, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$240.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19659. Misbranding of Kavatone and Kavatone soft mass pills. U. S. v. 66 Bottles of Kavatone, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 28025, 28026. I S. Nos. 52317-A, 52317-B. S. No. 6064.)

This action involved the interstate shipment of a number of packages of a drug product known as Kavatone, each package containing a sample of Kavatone soft mass pills. Examination of the articles disclosed no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the respective labelings. The Kavatone was represented to be a vegetable product, whereas it contained a mineral drug. It also was found to contain alcohol, which was not declared on the label as required by law.

On April 20, 1932, the United States attorney for the Western District of Michigan, 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 66 bottles of the said Kavatone, and 66 packages of Kavatone soft mass pills, remaining in the original unbroken packages at