

19670. Misbranding of Hoyt's Vapor-Ply, Hoyt's catarrhal jelly, and Hoyt's cold tablets. U. S. v. Hoyt Bros. (Inc.). Plea of guilty. Fine, \$75. (F. & D. No. 27455. I. S. Nos. 29915, 29916, 29917.)

This action was based on the interstate shipment of quantities of drug preparations, consisting of one lot each of Hoyt's Vapor-Ply, Hoyt's catarrhal jelly, and Hoyt's cold tablets. Examination of these products disclosed no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed for them in the labelings.

On January 19, 1932, the United States attorney for the District of New Jersey, 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 Hoyt Bros. (Inc.), a corporation, Newark, N. J., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 24, 1930, from the State of New Jersey into the State of Pennsylvania, of quantities of the said Hoyt's Vapor-Ply, Hoyt's catarrhal jelly, and Hoyt's cold tablets, which were misbranded.

Analyses of samples of the articles by this department showed that Hoyt's Vapor-Ply consisted essentially of petrolatum containing volatile oils including camphor, menthol, eucalyptol, thymol, and methyl salicylate; Hoyt's catarrhal jelly consisted essentially of petrolatum containing volatile oils including menthol, camphor, and eucalyptol; Hoyt's cold tablets consisted essentially of acetanilid (1.95 grains per tablet), quinine sulphate, podophyllum resin, aloin, capsicum, camphor, and extracts of plant drugs including gelsemium.

The Vapor-Ply was labeled in part: (Jar) "Hoyt's Quality Products, Vapor-Ply * * * Directions Acute Bronchitis, Influenza, Congestion of the Lungs. * * * Sore Throat, * * * Whooping Cough," (carton) "Hoyt's Vapor-Ply Gives Relief in Asthma, Catarrh, * * * Croup, Sore Throat, Whooping Cough, Influenza, Muscular Rheumatism, * * * Chilblains." The catarrhal jelly was labeled in part: (Tube) "Hoyt's * * * Catarrhal Jelly For Nasal Catarrh;" (carton) "Hoyt's Catarrhal Jelly * * * will * * * prevent the contraction of * * * Influenza, La Grippe, Sore Throat, etc." The cold tablets were labeled in part: (Box) "Hoyt's Cold Tablets For * * * Coughs, Influenza, etc. * * * Hoyt Bros., Inc. * * * Newark, New Jersey."

Misbranding of the said Hoyt's Vapor-Ply was alleged in the information for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the labels of the jars and cartons, falsely and fraudulently represented that it was effective as a relief for asthma, catarrh, croup, sore throat, whooping cough, influenza, muscular rheumatism, and chilblains, and effective as a treatment, remedy, and cure for acute bronchitis, influenza, congestion of the lungs, sore throat, and whooping cough, whereas it contained no ingredients or medicinal agents effective for the said purposes. Misbranding of the said Hoyt's catarrhal jelly was alleged for the reason that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the labels of the tubes and cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for nasal catarrh, and effective as a preventive of influenza, la grippe, sore throat, coughs, and kindred affections, whereas it contained no ingredients or medicinal agents effective for the said purposes. Misbranding of Hoyt's cold tablets was alleged for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the box label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs and influenza, whereas it contained no ingredients or medicinal agents effective as a treatment, remedy, and cure for coughs or influenza.

On April 22, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19671. Adulteration and misbranding of alleged cramp bark. U. S. v. Edgar A. Dobbin (E. A. Dobbin and E. A. Dobbin & Co.). Plea of nolo contendere. Judgment suspended. (F. & D. No. 26552. I. S. No. 2256.)

This action was based on the interstate shipment of a quantity of alleged cramp bark which, upon examination, was found to consist of a bark other than cramp bark.

On or about August 6, 1931, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture,