

Food & Drug Admin.  
223 U. S. Customhouse  
New Orleans, La.

[Issued September 1934]

## United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

21976-22000

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

**21976. Adulteration and misbranding of Novonol Ointment and The Belmont Germicide. U. S. v. Fred Harlow Smith (The Belmont Co.).**  
**Plea of nolo contendere. Fine, \$5. (F. & D. no. 30315. Sample nos. 34577-A, 34578-A.)**

This case was based on interstate shipments of Novonol Ointment and the Belmont Germicide. Examination showed that the former was not an antiseptic, as claimed in the label, and that the labeling of the latter bore unwarranted germicidal, curative, and therapeutic claims.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred Harlow Smith, trading as the Belmont Co., Springfield, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 17, 1933, from the State of Massachusetts into the State of Maine, of quantities of Novonol Ointment and the Belmont Germicide which were adulterated and misbranded.

Analyses of samples of the articles by this Department showed that the Novonol Ointment consisted essentially of a local anesthetic, such as procaine hydrochloride, incorporated in a mixture of fatty acids, and petrolatum; and that the Belmont Germicide consisted essentially of sodium chloride, borax, camphor, menthol, and a small proportion of methyl salicylate. Bacteriological tests showed that neither of the articles was antiseptic.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the Novonol Ointment was represented to be an antiseptic, whereas it was not an antiseptic, and the Belmont Germicide was represented to be a germicide, whereas it was not.

Misbranding of the Novonol Ointment was alleged for the reason that the statements, "Antiseptic \* \* \* apply the ointment to \* \* \* produce antiseptic condition which will remain until the wound is healed. On open wounds of any nature it may be used with the utmost confidence", borne on the jar label, were false and misleading, since the article was not an antiseptic and would not produce an antiseptic condition. Misbranding of the Belmont Germicide was alleged for the reason that the statements, "Germicide A soluble powder for the immediate production of an antiseptic solution \* \* \* by its use a standard antiseptic solution may be prepared at any time. \* \* \* A small teaspoonful dissolved in one pint of warm water will make an antiseptic solution of standard strength", borne on the jar label, were false and misleading, since the article was not a germicide, it was not a standard antiseptic, and it was not an antiseptic when used as directed. Misbranding of the Belmont Germicide was alleged for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the jar labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for open wounds, suppurating and ulcerating corns and bunions, and ingrowing toe nails after operation, and effective as a preventive of infection.

On February 12, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$5.

M. L. WILSON, Acting Secretary of Agriculture.