

iodine and pepsin and would not produce certain curative and therapeutic effects claimed in the labeling.

On November 8, 1933, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 153 tubes of I-den-tine Dental Cream at Binghamton, N.Y., alleging that the article had been shipped in interstate commerce on or about February 9, 1933, by the Trade Laboratories, Inc., Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "I-den-tine Dental Cream Reed Chemical Company, Newark, N.J."

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium sulphate, calcium phosphate, small proportions of glycerin and soap, traces of pepsin and an iodine compound, and water flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the statements, "Compound Iodine and Pepsin", on the carton, and "Compound Iodine", on the tube, were false and misleading, since the article contained insignificant amounts of these ingredients. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton and tube) "Especially prepared for bleeding gums"; (tube) "Pyorrhea \* \* \* makes the gums healthy and firm."

On December 21, 1933, 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, or in lieu of destruction that it be delivered to charitable institutions for use and not for sale.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22007. Adulteration and misbranding of Merritone Antiseptic Mouth Wash. U. S. v. 2 Gross Bottles of Merritone Antiseptic Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31290. Sample no. 46543-A.)**

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article further showed that it was not antiseptic as claimed.

On November 6, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two gross bottles of Merritone Antiseptic Mouth Wash at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 18, 1933, by the DeVore Manufacturing Co. from Columbus, Ohio, and charging adulteration and 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 formaldehyde, volatile oils including methyl salicylate and cassia oil, zinc chloride, alcohol (2.5 percent by volume), and water colored with cudbear.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, antiseptic mouth wash.

Misbranding was alleged for the reason that the statement on the label, "Antiseptic Mouth Wash", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: "Keeps the gums and tissue of the mouth healthy \* \* \* Wounds And Sores \* \* \* (If personal application of Merritone fails to relieve the condition consult your dentist or physician)."

On February 21, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22008. Adulteration and misbranding of sweet spirits of nitre. U. S. v. 135 Bottles and 94 Bottles of Sweet Spirits of Nitre. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31210. Sample nos. 46326-A, 46362-A, 46365-A.)**

This case involved shipments of sweet spirits of nitre labeled, "U.S.P.", which was found to contain less ethyl nitrite than required by the United States Pharmacopoeia. Sample bottles taken from the shipments were found

to contain less than one half ounce and one ounce, respectively, the labeled volumes.

On October 9, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 bottles of sweet spirits of nitre at Shreveport, La. On December 5, 1933, an amended libel was filed to include 94 more bottles of the product, also at Shreveport, La. It was alleged in the libel as amended that the article had been shipped in interstate commerce in part on or about March 30, 1933, and in part on or about July 8, 1933, by the El-Dee Manufacturing Co., from Alton, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

Examination of samples of the article by this Department showed that the one half fluidounce size contained not more than 2.4 percent of ethyl nitrite and the net content was less than one half fluidounce, averaging 0.44 fluidounce. The 1-fluidounce size contained 0.5 percent of ethyl nitrite, and the net content was less than 1 fluidounce, averaging 0.86 fluidounce.

The libel charged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statements, "Sweet Spirit Nitre U.S.P. \* \* \* ½ Fld. Oz.", or "1 Fld. Oz.", were false and misleading, since the product was short volume and the two lots contained not more than 2.4 percent and 0.5 percent, respectively, of ethyl nitrite, whereas the United States Pharmacopoeia requirement for sweet spirits of nitre is 3.5 percent of ethyl nitrite.

On February 19, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22009. Misbranding of Force. U. S. v. 72 Bottles of Force. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31183. Sample no. 14106-A.)**

Examination of the drug product, Force, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the labeling.

On September 29, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of Force at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about July 17, 1933, by the Union Pharmacal Co., from Kansas City, Mo., 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 extracts of plant drugs, including a laxative drug, phenolphthalein (17 milligrams per 100 milliliters), phosphoric acid (0.47 gram per 100 milliliters), alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Force, the master rebuilder tonic, a general systemic reconstructive \* \* \* aid to digestion \* \* \* Force \* \* \* reconstructive \* \* \* easy of assimilation by the most weakened system. This tonic is well indicated in the very numerous conditions of debility (both general and nervous) following overwork, worry, loss of appetite, impaired digestion, anaemia, convalescence from acute fever, infectious diseases, and physical and mental exhaustion depending upon or attended by a general or nervous breakdown."

On January 5, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*