

22364. Misbranding of X-It. U. S. v. 34 Packages of X-It. Default decree of condemnation and destruction. (F. & D. no. 31627. Sample nos. 56296-A, 56297-A.)

Examination of a sample of X-It showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in a circular shipped with the article.

On November 24, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of X-It at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce, on or about October 6, 1933, by the Manufacturers Direct Sales Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "X-It * * * X-It Laboratories, Inc., New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of alcohol, zinc chloride, methyl salicylate, and extracts of plant materials.

It was alleged in the libel that the article was misbranded in that the carton and circular contained false and fraudulent statements regarding its effectiveness in the treatment and prevention of pyorrhea, receding gums, loose teeth, bleeding gums, trench mouth, pus pockets, unhealthy gums, discolored gums, acute gingival infections, inflamed gums, and other gum diseases.

On March 13, 1934, no claimant having appeared for the property, judgment of condemnation 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.*

22365. Misbranding of Watkins' Liniment. U. S. v. 65 Bottles of Watkins' Liniment. Product released under bond to be relabeled. (F. & D. no. 31637. Sample no. 63636-A.)

Examination of a sample of Watkins' Liniment showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about November 28, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 bottles of Watkins' Liniment at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about August 29, 1933, by the Watkins Medicine Co., from Cherokee, Kans., 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 turpentine oil, eucalyptol, small proportions of methyl salicylate, chloroform, and alcohol (62 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that the labeling bore false and fraudulent representations regarding its effectiveness in the treatment of stomach, liver, kidney and blood diseases, rheumatism, lame back, toothache, earache, sore throat, croup, catarrh, asthma, ague, cramps, colic, diarrhoea, cholera, dyspepsia, inflammation of the kidneys, catarrh of the head, diabetes, diphtheria, caked breast, frosted feet, swellings, tumors, sore nipples, stiff and enlarged joints, all diseases of inflammatory nature, deafness, fever, congestive chills, bites of snakes, tarantulas, and centipedes, dog bites, bunions, sore and bleeding gums, scurvy of the mouth, cough, bronchial affections, cholera morbus, blind, bleeding, and itching piles, sore eyes, painful menstruation, womb disease, pains in the back or side, contracted chord and muscles, ulcers, skin diseases, pimples, boils, felons, salt rheum, ringworm, scald head, erysipelas, gonorrhea, and all painful affections; (for horses and cattle) colic, contraction or cracking of the hoof, distemper, scours, sweeny, curb, lameness, "corks", horn distemper, garget, and all sores.

On April 21, 1934, Roy E. Bertholf, trading as the Watkins Medicine Co., Cherokee, Kans., having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon the filing of cashier's check in the amount of \$50, to be held in the nature of a bond to insure that the product be relabeled so that it comply with the Food and Drugs Act.

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