

**22988. Misbranding of Throt-Ease. U. S. v. 118 Bottles of Throt-Ease. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32810. Sample no. 69896-A.)**

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was claimed for the article that it was a harmless preparation, whereas it contained ingredients that might be harmful.

On June 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 bottles of Throt-Ease at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about February 8, 1934, by the Armour Sales Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Throt-Ease \* \* \* The Tonsilo Company, Wheeling, West Virginia."

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium chlorate (0.4 gram per 100 milliliters), iron chloride (0.4 gram per 100 milliliters), quinine hydrochloride (0.3 gram per 100 milliliters), glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and bottle labels, "A Harmless Preparation", was false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Shipping carton) "Dont Have Your Tonsils Removed Use Throt-Ease For Sore Throat and Tonsilitis \* \* \* Throat Preparation \* \* \* It knocks The Devil Out of Sore Throats"; (individual carton) "Throt-Ease For Sore Throat and Tonsilitis \* \* \* Throt-Ease"; (bottle) "Throt-Ease For Sore Throat and Tonsilitis."

On July 31, 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.*

**22989. Adulteration and misbranding of Luden's Antiseptic Cough Drops. U. S. v. 111 Cartons of Luden's Antiseptic Cough Drops. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32811. Sample no. 41479-A.)**

This case involved a shipment of Luden's Antiseptic Cough Drops. Examination showed that the article was antiseptic, that it contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling, and that the packages contained less than 2 ounces, the labeled weight.

On June 4, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 111 cartons of Luden's Antiseptic Cough Drops at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about April 24, 1934, by Luden's, Inc., from Chicago, Ill., 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 essentially of lozenges of sugar containing a small proportion of a local anesthetic such as benzocain, and volatile oil including menthol, thymol, and eucalyptol. Bacteriological examination showed that it was not antiseptic.

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."

Misbranding was alleged for the further reason that the following statements on the labeling were false and misleading: (Display carton, retail carton, and labels for the individual lozenge) "Antiseptic"; (retail carton only) "These drops dissolved slowly in the mouth, produce a prolonged Antiseptic Action. \* \* \* Net Weight 2 Ozs." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Retail carton) "Use Luden's Antiseptic Cough Drops in the treatment of Coughs \* \* \* Sore Throats and similar ailments."

On August 29, 1934, Luden's, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond

in the sum of \$200, conditioned that it be brought into conformity with the law under the supervision of this Department.

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

**22990. Adulteration and misbranding of whisky. U. S. v. 23 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 32718, 32724, 32734, 32759, 32824, 32831. Sample nos. 7912-A, 7913-A, 7915-A, 7944-A, 41443-A, 41445-A, 41447-A, 71628-A, 71697-A, 71698-A, 72004-A, 72006-A, 72007-A, 72086-A.)

These cases involved various brands of alleged medicinal whisky which differed from the specifications of the United States Pharmacopoeia. The packages failed to bear on the labels a statement of the percentage of alcohol by volume. Most of the brands were labeled with unwarranted curative and therapeutic claims.

On May 17, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 cases of whisky at Boston, Mass. Between the dates of May 19 and June 10, 1934, libels were filed in the district courts for the Districts of Connecticut, Minnesota, Southern Illinois, and Western Missouri, against 1,398 bottles of whisky at Greenwich, Conn.; 124 cases and 63 bottles of whisky at Minneapolis, Minn.; 8½ cases of whiskey at Rock Island, Ill.; and 668 bottles of whisky at Joplin, Mo. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments between the dates of December 19, 1933, and February 27, 1934, by the Frankfort Distilleries, Inc., in part from Baltimore, Md., and in part from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Lucky Star [or "Mattingly and Moore", "Four Roses", "Kentucky Triumph", "Old Oscar Pepper", "Old Baker", "Meadville Purvo Rye", "Honey Dew", "Broad Ripple", or "Indian Trader"] Whisky—A Blend." All brands were labeled, "For Medicinal Purposes" or "For Medicinal Use", most of them being further labeled "Rx."

It was alleged in the libels 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 pharmacopoeia official at the time of investigation, and its own standard of strength, quality, and purity was not declared on the label.

Misbranding was alleged for the reason that the statements, "For Medicinal Purposes", "For Medicinal Use", "Rx.", and "Spiritus Frumenti", borne on the labels, were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article. Misbranding of all brands, with the exception of the "Broad Ripple" and "Four Roses", was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: "Medicinal properties of Whisky. An easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods, beneficial to weakly persons, more especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as corysa, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections."

On June 1, June 22, June 26, June 27, and July 3, 1934, claimants having appeared and admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that the old labels be removed and new labels correctly describing the product be affixed to the bottles.

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

**22991. Misbranding of Wine of Chenstohow. U. S. v. 1,101 Bottles of Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. no. 32852. Sample no. 65653-A.)

The product in this case was labeled to convey the impression that it was wine and had been made in Chenstohow, Poland, whereas it was a proprietary