

in habitual constipation. In many cases of habitual constipation the continued use seems to produce a permanent beneficial effect upon the intestinal tract."

On October 15, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

24066. Adulteration of sweet spirits of nitre. U. S. v. 144 Bottles of Sweet Spirits of Nitre. Default decree of condemnation and destruction. (F. & D. no. 33101. Sample no. 68543-A.)

This case involved an interstate shipment of sweet spirits of nitre, a product recognized in the United States Pharmacopoeia, which fell below the pharmacopoeial requirements.

On July 19, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 bottles of sweet spirits of nitre at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about March 23, 1934, by the Cumberland Manufacturing Co., from Nashville, Tenn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Spirits Nitre Ethyl Nitrite 4½ Percent."

The article was alleged to be 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 therein, since it contained less than 3.5 percent of ethyl nitrite, the minimum permitted by the pharmacopoeia.

On December 6, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24067. Misbranding of Novak's Female Drops, Novak's Oil, and Komet. U. S. v. 10 Bottles of Novak's Female Drops, et al. Default decrees of condemnation and destruction. (F. & D. nos. 33156, 33157, 33158. Sample nos. 74582-A, 74583-A, 74584-A.)

These cases involved various drug preparations. Examination showed that the product designated Novak's Female Drops contained less alcohol than declared on the label; that the product designated Novak's Oil was not an oil, and that the label of the product designated "Komet" bore unwarranted curative and therapeutic claims. The labels of the Novak's Female Drops and Novak's Oil also bore curative and therapeutic claims which this Department deemed to be unwarranted by the composition of the articles.

On August 4, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 bottles of Novak's Female Drops, 32 bottles of Novak's Oil, and 32 tubes of Komet at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce, on or about May 24, 1934, by the John Novak Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses by this Department showed that the Female Drops consisted essentially of extracts of plant drugs including cramp bark, glycerin, alcohol (38 percent), and water, flavored with clove oil; that the oil consisted essentially of alcohol (52 percent), chloroform (5.7 percent), methyl salicylate (5.7 percent), menthol, capsicum oleoresin, ammonia, and water; and that the Komet consisted essentially of volatile oils including camphor, menthol, methyl salicylate, and turpentine oil (19.4 percent) incorporated in a mixture of petrolatum and wax.

The Female Drops were alleged to be misbranded in that the label failed to bear a statement of the quantity or proportion of alcohol contained in the article since the statement on the bottle label, "Alcohol 50%", and the statement on the carton, "Alcohol 55 to 65 percent", were incorrect. The Novak's Oil was alleged to be misbranded in that the designation "Novak's Oil" was false and misleading since the article was not an oil. The Komet was alleged to be misbranded in that the labeling contained statements regarding the curative or therapeutic effects of the article, which were false and fraudulent.

In his report, the Secretary of Agriculture advised the United States attorney that the labels of all three products contained statements regarding their curative and therapeutic effects, that the articles contained no medicinal

agencies capable of producing such effects, and requested that the libels include charges that the statements were false and fraudulent. These statements were as follows: (Novak's Female Drops, bottle label) " * * * Female * * * "; (carton) " * * * Female * * * An excellent preparation for irregular, painful or delayed menstruation. Recommended for both single and married women * * * [in general, on carton, similar statements appear in foreign language] "; (Novak's Oil, bottle label) "A Whip for Pain A preparation for Rheumatism, Pain in the Back, Lameness, Swelling, Stiff Joints, Stiff Neck, * * * Toothache and all ordinary pains"; (carton) "A Whip for Pain * * * For Rheumatism, Pain in the Back, Lameness, Swellings, Stiff Neck, Stiff Joints, * * * Toothache, and all ordinary pains. * * * For Rheumatism, Pain in the Back. Lameness, Swellings, Stiff Joints, Stiff Neck * * * Toothache and all ordinary bodily pains * * * [in general, on label and carton, similar statements in foreign languages] "; (Komet, circular) "A Whip for Pain For Rheumatic Pains * * * For Stiff Neck For Backache For Swellings * * * For Every ache and pain * * * watch it dig into the ache or pain and pull the trouble out. * * * Use Komet and enjoy perfect health. * * * For Rheumatism * * * Sciatica Lumbago * * * Stiff Neck * * * [in general, similar statements appear in foreign language]."

On August 29, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

24068. Adulteration and misbranding of tincture of belladonna. U. S. v. Fifteen 1-Pint Bottles of Tincture Belladonna USP. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33239. Sample no. 4271-B.)

This case involved an interstate shipment of tincture of belladonna, which contained alkaloids of belladonna in excess of the maximum provided in the United States Pharmacopoeia.

On August 8, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 pint bottles of tincture of belladonna at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 16, 1934, by the Abbott Laboratories, from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture Belladonna USP * * * standardized to contain 0.027 to 0.033 grams total alkaloids in hundred CC."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia and its own standard was not correctly stated on the label.

Misbranding was alleged for the reason that the statements on the label, "Tincture Belladonna USP * * * standardized to contain 0.027 to 0.033 grams total alkaloids in hundred CC", were false and misleading.

On November 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24069. Misbranding of Dietene. U. S. v. 170 Jars of Dietene. Default decree of destruction. (F. & D. no. 33246. Sample no. 3387-B.)

This case involved an interstate shipment of Dietene which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling, and because of false and misleading claims relating to its effectiveness as an aid in reducing.

On August 20, 1934, 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 170 jars of Dietene at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 5 and July 16, 1934, by the Dietary Foods Co., Inc., Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of dried milk, malt extract, sugar, wheat germ, wheat bran, cacao powder, and salt, flavored with vanilla.