

Adulteration of the article was charged under the allegations that it was sold under a name recognized in the National Formulary; that the said formulary specified that 100 cubic centimeters of tincture of goldenseal should yield not less than 0.36 gram of ether-soluble alkaloids; that the article yielded not more than 0.305 gram thereof per 100 cubic centimeters; that the article differed from the standard of strength as determined by the test laid down in the said formulary, and its own standard was not stated on the label.

On July 26, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25106. Adulteration and misbranding of Moone's Emerald Oil. U. S. v. 20 Packages, et al., of Moone's Emerald Oil. Default decrees of condemnation and destruction. (F. & D. nos. 35604, 35754, 35757. Sample nos. 24553-B, 24554-B, 38380-B, 38398-B, 38399-B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, and germicidal claims for the product.

On June 4, 1935, 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 21 packages of Moone's Emerald Oil at Wilkes-Barre, Pa. On July 11, 1935, libels were filed against 16 packages of the product at Easton, Pa., and 61 packages at Trenton, N. J. The libels alleged that the article had been shipped in interstate commerce on or about March 25, April 15, and April 19, 1935, by the International Laboratories, Inc., from Rochester, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample taken from one of the shipments showed that it consisted essentially of volatile oils including camphor oil with small proportions of methyl salicylate, phenol, and mineral oil, colored green. Bacteriological examination showed that it was incapable of killing a culture of *Staphylococcus aureus* within 1½ hours at body temperature.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide."

Misbranding was alleged for the reason that the statement "Germicide", appearing on the carton, was false and misleading. Misbranding was alleged with respect to a portion of the article for the further reason that certain statements regarding its curative and therapeutic effects, contained in the circular shipped with the article, falsely and fraudulently represented that it was effective in the treatment of toe itch, acne, pimples, soft corns and bunions, varicose veins, varicose ulcers, dandruff, scaly irritation of the scalp; and effective as a surgical assistant in serious conditions; effective as a deodorant and comforting analgesic in stubborn irritated conditions attended by profuse suppuration; effective to promote healthful healing and eradicate odor in cases of objectionable discharges and to reduce other objectionable symptoms; effective to promote formation of new healthy skin; and effective in the treatment of chronic and incurable diseases. Misbranding was alleged with respect to the remainder of the article for the further reason that certain statements in the circular falsely and fraudulently represented that it was effective in the treatment of lameness and stiff joints, muscle, joint, and nerve conditions, toe itch, varicose or swollen veins; effective to aid nature to retract the distended tissues of the vein walls; and effective in the treatment of ulcerated conditions and to give new strength to the vein walls.

On June 28, July 27, and August 20, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25107. Misbranding of Red Fire Ointment. U. S. v. 66 Boxes of Red Fire Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 35610. Sample no. 35657-B.)

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

On June 25, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 boxes of the said Red Fire Ointment at Denver, Colo., consigned by the Harwell Co., alleging that the article had been shipped in interstate commerce on or about December 29, 1934, from Chicago, Ill., to Denver,

Colo., 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 salicylic acid (14.26 percent) and volatile oils including menthol and methyl salicylate, incorporated in a fatty vehicle.

It was alleged in the libel that the article was misbranded in that the following statement on the label thereof regarding its curative or therapeutic effects was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Recommended for * * * Rheumatism, Lumbago * * * Arthritis, Neuritis * * * Aching Feet."

On August 6, 1935, no claimant having appeared, judgment was entered by the court ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25108. Misbranding of Egge an Egg Maker, Fluspray, and Sanite. U. S. v. 56 Cases of Egge an Egg Maker, and Other Drug Articles. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 35634, 35635, 35636. Sample nos. 32316-B, 32317-B, 32318-B.)

Unwarranted curative or therapeutic claims were borne on the cartons, in leaflets enclosed in them, and on the bottle labels of these drugs. On the carton of Egge an Egg Maker and in a leaflet shipped with it appeared a design of a chicken on a basket of eggs.

On June 13, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of quantities of Egge an Egg Maker, Fluspray, and Sanite at Des Moines, Iowa, alleging that the articles had been shipped by the Concentrated Products, Inc., from Quincy, Ill., to Des Moines, Iowa, on or about June 3, 1934, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Carton) "Egge an Egg Maker"; (carton) "Fluspray"; (bottles) "Sanite."

Analyses showed that the Egge an Egg Maker consisted essentially of sulphur, calcium and magnesium carbonates and sulphates, and small proportions of other inorganic material; that the Fluspray consisted essentially of formaldehyde, glycerin, and methyl salicylate colored blue; and that the Sanite consisted essentially of furfural.

The Egge an Egg Maker was alleged to be misbranded in that the carton in which it had been shipped and a leaflet enclosed in the carton bore and contained statements and a design of a chicken on a basket of eggs that falsely and fraudulently represented that the article was effective to stimulate and increase egg production from poultry; that it possessed curative or therapeutic efficacy with respect to leg weakness and indigestion, cholera, gaps and roup in poultry; and that it was a general conditioner and regulator of the health of poultry, ducks, geese, turkeys, and pigeons.

The Fluspray was alleged to be misbranded in that the bottle labels, the carton in which it had been shipped, and a leaflet enclosed in the carton, bore and contained false and fraudulent statements that the article possessed curative or therapeutic efficacy with respect to the following disabilities and diseases of poultry: Bronchitis, gapes, coughs, colds, pneumonia, diphtheria, intestinal flu, other infectious ailments of throat, head, and respiratory organs, and sneezing.

The Sanite was alleged to be misbranded in that the bottle labels falsely and fraudulently represented that the article was curative or therapeutic when used in the treatment of dry eczema and aching feet in poultry.

On August 10, 1935, no claimant having appeared, a judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25109. Misbranding of Servex Antiseptic Jelly. U. S. v. 23 Sets and 3 Tubes of Refills of Servex Antiseptic Jelly. Default decree of destruction. (F. & D. no. 35667. Sample no. 26287-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims. The labeling also contained representations that the article was antiseptic. Bactericidal tests conducted by this Department, however, failed to show that it had antiseptic properties.

On June 24, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a