

Analysis showed that the article consisted essentially of a sulphurated oil, turpentine oil, and methyl salicylate.

Misbranding of the article was charged in that its label and carton bore, and a circular enclosed in its package contained, statements regarding the curative and therapeutic effects of the article that were false and fraudulent in that said statements falsely and fraudulently represented that the article possessed curative and therapeutic efficacy when administered in the treatment of kidney, bladder, and rheumatic trouble, nervousness, indigestion, disorders of the generative organs, cramps, and colic, and that it was of a curative and therapeutic benefit to women in connection with periodical cramps or suppressions.

On February 22, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26158. Adulteration and misbranding of rubbing alcohol. U. S. v. 942 Bottles of an article labeled, variously, "Dr. McClellan's Rubbing Alcohol," "Physicians & Surgeons Rubbing Alcohol," and "Hospital Brand Rubbing Alcohol." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37121. Sample nos. 50829-B, 50830-B, 50831-B.)

This article failed to conform to its professed standard, its label bore erroneous statements regarding its composition and was without a statement of the quantity or proportion of alcohol therein.

On January 27, 1936, the United States attorney for the Southern 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 942 bottles of an article variously labeled, "Dr. McClellan's Rubbing Alcohol", "Physicians & Surgeons Rubbing Alcohol", and "Hospital Brand Rubbing Alcohol" at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 19, 1935, by the Reo Chemical Corporation, from Newark, N. J., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: (Bottle) "Dr. McClellan's Rubbing Alcohol * * * Hospital Brand"; "Physicians & Surgeons Rubbing Alcohol"; "Hospital Brand Rubbing Alcohol."

Adulteration of the article was charged in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol", and the article did not consist of ordinary (ethyl) alcohol, but was a mixture of isopropyl alcohol and water.

Misbranding was charged (a) in that the label bore the statement "Rubbing Alcohol", which statement was false and misleading in that the product did not consist of ordinary (ethyl) alcohol; (b) in that the label failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein, since the declaration on the label, "70 Proof Isopropyl Alcohol", was meaningless.

On February 17, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26159. Adulteration and misbranding of M edouard's B. Acidophilus Compound. U. S. v. 13 Packages of M edouard's B. Acidophilus Compound. Default decree of condemnation and destruction. (F. & D. no. 37123. Sample no. 59038-B.)

This article failed to conform to its professed standard; its package bore erroneous statements concerning its ingredients and false and fraudulent curative and therapeutic claims were made for it.

On January 28, 1936, 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 13 packages of M edouard's B. Acidophilus Compound at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 10, 1935, by Z. Hubay, from Memphis, Tenn., from that place to Kansas City, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "M edouard's B. Acidophilus Compound * * * Bry's—Memphis * * * Gus Blass—Little Rock Los Angeles. * * * Chicago * * * Indianapolis."

Analysis showed that the article consisted essentially of a moldy mixture of agar, psyllium seed, milk sugar, starchy material, and phenolphthalein, a laxative derived from coal tar (approximately 2.8 percent). It contained no

significant proportion, if any, of viable *Lactobacillus acidophilus* bacilli, and no kelp nor dextrin.

Adulteration of the article was charged under the allegation that its strength and purity fell below the professed standard under which it was sold, in that the article contained no significant proportion, if any, of viable *L. acidophilus* bacilli, and no dextrin or cerea (kelp) and no other valuable food ingredients, but contained phenolphthalein, a coal-tar laxative, and was in a moldy condition.

Misbranding was charged (a) under the allegation that the package bore the statement "B Acidophilus Compound A * * * blend of * * * psyllium, psylla, Japanese Agar Agar, Lactose, Dextrine, Cerea, (Kelp which contains vitamins A, B, D, E, F and G, and 16 chemicals, 32 organic minerals that the body is composed of), and other valuable food ingredients", and that the statement was false and misleading in view of the actual composition of the article; (b) under the allegation that the package bore the following statements regarding the curative and therapeutic effects of the article and that the statements were false and fraudulent: "Not a Purgative—Not a Cathartic Not a Physic * * * To remove excessive infective Organisms from the large intestines. * * * To prevent toxic absorption. * * * To change the Intestinal Flora. * * * To introduce Living B. Acidophilus into the large intestines to prevent the growth of the infective types. * * * To re-mineralize the body and furnish that unbroken chain of vitamins, which is so necessary to perfect health."

On April 16, 1936, no claimant having appeared, a default decree of condemnation and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26160. Misbranding of rubbing alcohol. U. S. v. 684 Bottles of Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37137. Sample no. 57007-B.)

This case involved an interstate shipment of rubbing alcohol, which was misbranded as to the nature and proportion of alcohol contained therein.

On January 31, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 684 bottles of rubbing alcohol at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 13, 1935, by the Marshall Laboratories, Inc., Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements on the label, "Rubbing Alcohol Compound" and "Alcohol 70 Proof (IP)", were false and misleading, since the article did not contain any ordinary (ethyl) alcohol, but consisted essentially of a mixture of isopropyl alcohol and water. The article was alleged to be misbranded further in that the quantity or proportion of isopropyl alcohol contained therein was not stated on the label, since the expression "(IP)", following the statement "Alcohol 70 Proof" on the label, was meaningless.

On March 7, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26161. Misbranding of Kopp's. U. S. v. 281 Bottles of Kopp's. Default decree of condemnation and destruction. (F. & D. no. 37140. Sample nos. 39992-B, 39993-B.)

This case involved a shipment of Kopp's the label and package of which bore and contained recommendations and directions for its administration to infants and young children, when by reason of the presence therein of morphine it was not safe for administration to infants or young children; and false and fraudulent statements as to its curative or therapeutic effect.

On January 31, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 281 bottles of Kopp's at Baltimore, Md., alleging that the article had been transported in interstate commerce on or about July 8 and November 1, 1935, by C. Robert Kopp, from York, Pa., and that it was misbranded in violation of the Food and Drugs Act.

Analysis showed that the article consisted essentially of morphine sulphate ($\frac{1}{8}$ grain per fluid ounce), flavoring oils including anise oil, alcohol, glycerin, sugar, and water, colored red.