

The article was alleged to be misbranded in that directions on the bottle labels and in an accompanying circular, and a picture of a baby, together with a statement in said circular, were false and misleading in that they represented that the article was a safe and appropriate remedy for infants and young children, when in fact it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of the article. The article was alleged to be misbranded further in that said directions on the label and in the circular and said picture and statement in the circular were statements, designs, and devices regarding the curative or therapeutic effect of the article, and falsely and fraudulently represented that the article was capable of producing the effects claimed.

On March 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

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

26162. Misbranding of "Modern Treatment for Nasal Irritations and Congestion." U. S. v. 240, and 89, and 263 articles labeled "Modern Treatment for Nasal Irritations and Congestion." Default decree of condemnation and destruction. (F. & D. nos. 37142, 37348, 37386. Sample nos. 54697-B, 60646-B, 64376-B.)

These cases involved interstate shipments of outfits described as "Modern Treatment for Nasal Irritations and Congestion", each outfit consisting of a drug, labeled "Synex", and an apparatus, labeled "Syn-O-Scope", for applying Synex. The proportion of alcohol contained in Synex was misrepresented on the label, and an accompanying circular contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

Analysis of the Synex showed that it consisted essentially of eucalyptus oil, camphor, menthol, and alcohol.

On February 4, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed a libel praying seizure and condemnation of 240 outfits labeled "Modern Treatment for Nasal Irritations and Congestion", consisting each of 240 bottles of the drug Synex and as many specimens of the apparatus Syn-O-Scope, at Salt Lake City, Utah; on March 13, 1936, the United States attorney for the Northern District of Georgia similarly filed a libel praying seizure and condemnation of 89 such outfits at Atlanta, Ga.; and on March 24, 1936, the United States attorney for the Western District of New York similarly filed a libel praying seizure and condemnation of 263 such outfits at Buffalo, N. Y. It was alleged that the articles had been shipped in interstate commerce by the Syn-O-Scope Laboratories, from Chicago, Ill., on or about January 9 and 18, and December 23, 1935, and that they were misbranded in violation of the Food and Drugs Act as amended.

In the two libels first mentioned it was alleged that the Synex was misbranded in that the statement on the label of the bottles, "Synex Alcoholic Content 20%", was false and misleading. In all three of the libels it was alleged that the Synex was misbranded in that statements regarding its curative or therapeutic effects, contained in an accompanying circular, falsely and fraudulently represented that it was effective in the treatment of sinus trouble, catarrh, hay fever, and other irritations and congested conditions of the head passages.

On March 14, April 22 and 25, 1936, no claimant having appeared in any of the three cases, judgment of condemnation was entered in each case and it was ordered that the Synex and the Syn-O-Scopes be destroyed.

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

26163. Misbranding of rubbing alcohol compound and rubbing alcohol. U. S. v. 27 Dozen Bottles of Rubbing Alcohol Compound and Rubbing Alcohol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37147. Sample nos. 65526-B, 65527-B.)

These products contained isopropyl alcohol and were labeled to create the erroneous impression that they contained ethyl alcohol. The labels were further objectionable because they failed to bear a proper declaration of the quantity of isopropyl alcohol contained in the articles.

On February 5, 1936, 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 27 dozen bottles of rubbing alcohol compound and rubbing alcohol at Fall River, Mass., alleging that the articles had been shipped in interstate commerce on or about November 22, 1935, by the Vale Co., from New York, N. Y., into the State of

Massachusetts, and charging misbranding in violation of the Food and Drugs Act. Certain bottles were labeled in part, "Rubbing Alcohol Compound Isopropyl Alcohol 70 Proof * * * Bond Laboratories New York—Chicago"; other bottles were labeled in part, "Dr. Wards Rubbing Alcohol 70 Proof Isopropyl Alcohol Hospital Brand * * * Bond Laboratories New York."

Misbranding of the rubbing alcohol compound was alleged in that the statement on the label "Rubbing Alcohol Compound" was false and misleading, since it created the impression that the article contained ordinary (ethyl) alcohol; whereas it was a mixture of isopropyl alcohol and water, and the erroneous impression thus created was not corrected by the relatively inconspicuous statement on the label, "Isopropyl Alcohol 70 Proof." Misbranding of the rubbing alcohol was alleged in that the statement on the label, "Rubbing Alcohol," was false and misleading since the article contained no ordinary (ethyl) alcohol and consisted essentially of isopropyl alcohol, acetone, and water; in that the article was an imitation of and was offered for sale under the name of another article. Misbranding was alleged with respect to both products for the further reason that the labels failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "70 Proof Isopropyl Alcohol" was meaningless.

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

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

26164. Adulteration and misbranding of Athlete's Rub Alcohol Compound. U. S. v. 127 Dozen Bottles of Athlete's Rub Alcohol Compound and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37154, 37155. Sample nos. 43899-B, 44023-B.)

This article failed to conform to its professed standard; and its label created the erroneous impression that it contained ethyl alcohol, and did not bear a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 5, 1936, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 127 dozen bottles and 129 dozen bottles, respectively, of Athlete's Rub Alcohol Compound at Fall River, Mass., alleging that the 127 dozen bottles had been shipped in interstate commerce on or about November 26, 1935, by the Outlet Merchandise Co., from Brooklyn, N. Y.; that the 129 dozen bottles had been shipped by the same company on or about November 22, 1935, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Athlete's Rub Alcohol Compound * * * Athletic Supply Company, Brooklyn, N. Y."

Adulteration of the article was charged in each case under the allegation that its purity fell below the standard under which it was sold, namely, "Alcohol Compound 70 Proof", that the article was not composed essentially of ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water, and that it did not contain 70 percent of alcohol, nor 70 proof alcohol.

Misbranding of the article was charged in each case, (a) under the allegation that the label on the bottle bore the statement "Alcohol Compound 70 Proof" and that said statement was false and misleading in that the article did not contain ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water; (b) and under the allegation that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On March 23, 1936, no claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered in each.

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

26165. Misbranding of Athlete's Rub Alcohol Compound. U. S. v. 58 Dozen Bottles of Athlete's Rub Alcohol Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37159. Sample no. 43900-B.)

The label of this article bore erroneous statements concerning both its ingredients and the quantity of the contents of its bottle container and was without a statement as to the proportion of alcohol in the article.

On February 11, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the dis-