

strict court a libel praying seizure and condemnation of a quantity of Athlete's Rub Alcohol Compound at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1935, by the Tou Jour Supply Co., from Brooklyn, N. Y., into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Athlete's Rub Alcohol Compound * * * Athletic Supply Co. Brooklyn, N. Y."

Misbranding of the article was charged (a) under the allegation that the label bore the statement "Alcohol Compound 70 Proof", and that said statement was false and misleading in that the article contained no ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water; (b) under the allegation that the statement on the label, "16 Fl. Ozs.", was false and misleading in that the package contained less than 16 fluid ounces; (c) 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 9, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

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

26166. Misbranding of APCO No. 36 Antiseptic Suppositories. U. S. v. 6 Dozen Packages of APCO No. 36 Antiseptic Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37163. Sample nos. 43750-B, 44096-B.)

The label of this article bore erroneous statements concerning its action when used as directed and false and fraudulent curative and therapeutic claims were made for the article.

On February 6, 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 a quantity of APCO No. 36 Antiseptic Suppositories at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 27 and December 24, 1935, by the Ampere Products Co., from West Orange, N. J., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "APCO No. 36 Antiseptic Suppositories."

Analysis showed that the article consisted of gelatin capsules containing essentially boric acid, quinine sulphate, and theobroma oil.

Misbranding of the article was charged (a) under the allegation that a circular enclosed in the package bore the following statements and that said statements were false and misleading: "An APCO No. 36 capsule, when placed high up in the vaginal tract, quickly starts to dissolve from the heat and moisture of the body, releasing active medicinal ingredients, which give off certain antiseptic gases. This gaseous fluid penetrates to every crevice of the vaginal tract, * * * It is a deodorizer * * * APCO No. 36 being a definite chemical compound, * * * contain no grease * * * They are far superior to greasy suppositories"; (b) under the allegation that a circular enclosed in the package contained statements regarding the curative and therapeutic effects of the article and that said statements were false and fraudulent, to wit: "Safe * * * Harmless Modern women realize that correct feminine hygiene is the most important thing * * * and that health, * * * depends upon it. * * * gives complete antiseptics * * * to destroy pathogenic germs in a few seconds * * * This gaseous fluid penetrates to every crevice of the vaginal tract, making it clean and free of germ-laden accumulations, giving complete protection against obnoxious germs for several hours. * * * It has never damaged any delicate membranes, * * * contains no injurious or irritating ingredients * * * It not only affords immunity from infection, specific or otherwise, but will aid in healing delicate tissues and membranes. It is also used in the treatment of leucorrhoea (whites), vaginitis, * * * inflammation, etc."

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.*

26167. Adulteration and misbranding of cod-liver oil. U. S. v. 3,000 Bottles of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 37164. Sample no. 39994-B.)

This case involved an interstate shipment of cod-liver oil, which differed from the standard of strength, quality, and purity of cod-liver oil as determined by the test laid down in the United States Pharmacopeia.