

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27226-27275

[Approved by the Secretary of Agriculture, Washington, D. C., September 7, 1937]

27226. Misbranding of Anogen. U. S. v. 33 Packages of Anogen. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37742. Sample no. 68327-B.)

The labeling of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On May 19, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 packages of Anogen at Cincinnati, Ohio, alleging that it had been shipped in interstate commerce on or about February 28, 1936, by Anogen, Inc., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of furfural.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the bottle label and carton and contained in a circular enclosed in the carton, were false and fraudulent: (Bottle, carton, and circular) "For Delayed Menstruation"; (circular) "Delayed menstrual periods are a source of worry and in many instances may be the cause of general ill health to women. Delayed periods are frequently caused by common colds, influenza, wet feet, prolonged chilling, cold water drenching, exhaustion, nervous strain or shock. Anogen, a recent discovery, is a preparation for delayed menstruation. 'Anogen' is * * * efficacious. This has been proven by experiment and tests made under the supervision of recognized physicians and chemists. * * * If results are not obtained during first day, follow same directions the second day * * * and if necessary, the third day."

On March 30, 1937, Anogen, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

H. A. WALLACE, *Secretary of Agriculture.*

27227. Misbranding of Synex. U. S. v. William G. Snell. Plea of guilty. Fine, \$25. (F. & D. no. 38030. Sample nos. 22538-B, 22539-B, 54697-B, 60646-B, 62381-B, 62382-B, 62442-B, 62448-B, 62463-B, 64376-B.)

Enclosed in each carton containing a bottle of Synex was a mechanical device, labeled "Syn-O-Scope", for use in the administration or application of the article. A leaflet also enclosed in the carton contained false and fraudulent curative or therapeutic claims.

On January 28, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William G. Snell, president of the Syn-O-Scope Laboratories, Chicago, Ill., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 23, 1935, January 9, 18, and 29, and February 4 and 19, 1936, from the State of Illinois into the States of New York, Utah, Texas, Georgia, and Louisiana of quantities of Synex that was misbranded.

Analysis of the article showed that it consisted essentially of volatile oils including oil of eucalyptus, menthol, and camphor, and alcohol and water.

The leaflet enclosed in the carton contained the following statements: "Synex Alcoholic Content 20% For Use in Syn-O-Scope Made in U. S. A. Synex the medicament sold with and recommended for use in Syn-O-Scope. This new method of application brought with it a need for an entirely new compounding of medicines designed for head treatment. The result was Synex—made exclusively for Syn-O-Scope under a formula which permits it to volatilize with the heat of the breath. Synex—in liquid form—need not and should not reach the head passages. It is the vapor which does the work, thus eliminating overflow and other undesirable features of ordinary application. Here, then, we have two new principles for the treatment of head disorders: First—a medicament that is vaporized by a warm air current (the breath); Second—a new and novel application (forced breathing) which sends the soothing vapor to the innermost recesses of the head passages. In order that the most effective vaporizing results may be had, Synex should be used in Syn-O-Scope. In the absence of Synex, however, other safe medicaments may be used until a fresh supply of Synex is obtained. The principal thing is to place the medicament—whatever it is—where needed, and at the right body temperature. This is done with Syn-O-Scope, and is best done when Synex, also, is used."

It was alleged to be misbranded in that the statements regarding its curative and therapeutic effects, contained in the printed leaflet, falsely and fraudulently represented that it would be effective as a cure or remedy for affections of the sinuses, catarrh, hay fever, nasal irritations, congestions, ailments, and disorders.

On March 31, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

H. A. WALLACE, *Secretary of Agriculture.*

27228. Misbranding of Togstad's Dip and Disinfectant. U. S. v. Mrs. Vera P. Togstad (The C. I. Togstad Co.). Plea of guilty. Fine, \$10. (F. & D. no. 38037. Sample no. 62308-B.)

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On December 2, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Vera P. Togstad, trading as the C. I. Togstad Co., Kokomo, Ind., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 14, 1936, from the State of Indiana into the State of Texas, of a quantity of Togstad's Dip and Disinfectant that was misbranded.

Analysis showed that the article consisted of soap, water, coal-tar neutral oils, and phenols.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the can labels, falsely and fraudulently represented that it was effective as a preventive of disease and sores of all kinds; effective as a treatment, remedy, and cure for eczema from external causes, eczema of external origin, many skin diseases, and contagious abortion; and effective as a preventive of cholera or swine plague.

The information charged that the article also was misbranded in violation of the Insecticide Act of 1910 and the Federal Caustic Poison Act, reported in notice of judgment no. 1536 published under the former act, and notice of judgment no. 59 published under the latter act.

On January 9, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$10 on all charges.

H. A. WALLACE, *Secretary of Agriculture.*

27229. Adulteration and misbranding of mouthwash. U. S. v. Golden Peacock, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 38050. Sample nos. 52878-B, 68601-B.)

This article was misrepresented on the label as to its germicidal and antiseptic properties.

On December 3, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Golden Peacock, Inc., a corporation, Paris, Tenn., charging shipment by said corporation in violation of the Food and