

It was alleged to be misbranded in that the jar label, the carton, and a circular enclosed in the carton bore false and fraudulent representations regarding its effectiveness in the treatment of colds in the chest, sinus trouble, sore throat, open sores, stiff joints, stiff neck, inflamed and congested conditions, flu, pneumonia, neuritis, "stuffed up" head, distressing fullness, splitting headache, backache, sprained muscles of the back, rheumatic pains; and its effectiveness to relieve swelling, to restore the tissues to a healthy tone, and to relieve infection.

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27567. Adulteration and misbranding of Effervescent Seltzer. U. S. v. 74 Cards, each containing 20 Tubes of Effervescent Seltzer For Headaches. Default decree of condemnation and destruction. (F. & D. No. 39516. Sample No. 20592-C.)

This product was contained in several tubes attached to a card. It contained less acetanilid per ounce than declared on the card and tube, and the amount of acetanilid per tube was not declared. Moreover, the labeling bore false and fraudulent curative and therapeutic claims.

On April 29, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cards, each containing 20 tubes of Effervescent Seltzer For Headaches at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1936, by the Mills Sales Co. from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Honoroff Laboratories Inc. Chicago Illinois."

Analysis showed that the article consisted essentially of sodium bicarbonate, citric acid, and tartaric acid with 1.2 percent of acetanilid (5 grains per ounce), 2.8 percent of sodium bromide and caffeine.

It was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Each oz. contains twenty grains Acetanilid", since it did not contain 20 grains of acetanilid in each ounce but did contain much less, namely, not more than 5 grains of acetanilid in each ounce.

The article was alleged to be misbranded in that the statement "Each oz. contains twenty grains Acetanilid", borne on the card and tube, was false and misleading since the article contained much less than so represented, namely, not more than 5 grains of acetanilid in each ounce. It was alleged to be misbranded further in that the package failed to bear a statement of the quantity or proportion of acetanilid contained in the article, since the statement made was not correct and was not in terms of the unit required by regulation of this Department. The article was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Vial) "Relief for * * * Stomach disorders Excessive Eating, Drinking"; (card) "Relief for * * * Gastric Distress * * * Relief for * * * Stomach Disorders, Excessive Eating, Drinking * * * Relieves * * * Acidity, Gastric Distress."

On May 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27568. Adulteration and misbranding of M. F. C. Chill & Malaria Tonic and Dr. Dodds Purgolax Tablets. U. S. v. 600 Bottles of M. F. C. Chill & Malaria Tonic and 600 Envelopes of Dr. Dodds Purgolax Tablets. Default decree of condemnation and destruction. (F. & D. No. 39517. Sample No. 18683-C.)

The Chill & Malaria Tonic was represented on some of its labels as being a quinidine tonic, whereas it contained neither quinidine nor quinine but did contain cinchonine. The labeling of both products bore false and fraudulent curative and therapeutic claims.

On April 29, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 bottles of M. F. C. Chill & Malaria Tonic, each bottle of which was enclosed in a package also containing a sample envelope of Dr. Dodds Purgolax Tablets, at Memphis,