

27923. Misbranding of Athlo Ointment and Athlo Tablets. U. S. v. 30 Tubes of Athlo Ointment and 129 Cartons of Athlo Tablets. Default decrees of condemnation and destruction. (F. & D. Nos. 40168, 40169. Sample Nos. 36727-C, 36728-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On August 26, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 tubes of Athlo Ointment and 129 cartons of Athlo Tablets at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce on or about July 6, 1937, by the Athlophoros Co. from Pomfret Center, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the ointment consisted essentially of menthol, thymol, camphor, methyl salicylate, oil of mustard, and oil of turpentine incorporated in an ointment base; and that the tablets consisted essentially of aloin, strychnine, and compounds of iron, arsenic, mercury, and iodine.

The articles were alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that the ointment was effective in the treatment of pain, soreness, swelling, inflammation, stiffness, neuralgic pains, sore throat, or cold on the chest and spasmodic croup, effective to soothe, relieve, and heal; and that the tablets were effective in the treatment of indigestion, liver disorders, general debility, headache, gouty condition, want of appetite and derangements of the stomach, effective in cleansing, regulating, and strengthening the system, effective as an aid to the rheumatic, and effective in severe or long standing disease.

On October 20, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

27924. Misbranding of Midol. U. S. v. 432 Packages and 288 Packages of Midol (and 8 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40170 to 40175, incl., 40258, 40259, 40281. Sample Nos. 12030-C, 12031-C, 42246-C to 42251-C, incl., 54626-C, 54627-C, 58720-C, 58721-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On August 27, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,040 20-cent-sized and 1,752 50-cent-sized packages of Midol at Baltimore, Md. On September 8, 9, and 13, 1937, libels were filed against 396 20-cent and 168 50-cent-sized packages of Midol at Trenton, N. J.; 96 20-cent-sized and 49 50-cent-sized packages at Dover, N. H.; and 120 20-cent-sized and 141 50-cent-sized packages at Concord, N. H. The libels alleged that the article had been shipped in interstate commerce between the dates of March 25 and August 26, 1937, by the General Drug Co. from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the article contained approximately 5 grains of aminopyrine and approximately 0.4 grain of caffeine.

It was alleged to be misbranded in that the following statements contained in a leaflet and circulars shipped with it, regarding its curative or therapeutic effects, were false and fraudulent in that they represented that the article was a safe and appropriate remedy when used as directed for the relief of functional menstrual pain and discomfort, headache and neuralgia, whereas the article was not a safe and appropriate remedy when used as directed for the relief of such ailments but was a dangerous drug: (Leaflet, 50-cent size only) "Take one tablet whole, or broken up with a swallow of water. If necessary a second tablet may be taken in two hours and a third in another three or four hours"; (circular in both sizes) "For the relief of functional menstrual pain A boon to women The discovery of Midol brought a great new relief to women who have suffered from functional pain during the menstrual or monthly period. Functional menstrual pain and discomfort occur often in young girls and unmarried women and occasionally cause much distress to married women. They may be caused by cold, exposure to bad weather, undue work or physical activity, minor forms of nervous contractions. Midol usually brings relief and comfort promptly in such cases and does not interfere in any way with the natural process of menstruation. How to use Midol For the quick relief of pain, headache or other discomfort common to functional menstrual disturbances, take one Midol tablet, whole or crushed, with a swallow of water. If not

relieved, a second tablet may be taken in two hours, and a third in another three or four hours. Midol is offered especially for the relief of functional menstrual pain and discomfort. Other uses where Midol is also effective—Headache:—One Midol tablet relieves most headaches promptly. A second tablet may be taken in one hour, if necessary. Neuralgia:—The soothing influence of one Midol tablet becomes quickly apparent. A second tablet may be taken in one hour, if necessary. Midol is a preparation of distinctive merit. Don't accept substitutes that somebody asserts to be as good."

On October 5, 13, and 26, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27925. Adulteration and misbranding of Goody's Headache Powder. U. S. v. 1,440 Packages of Goody's Headache Powder. Default decree of condemnation and destruction. (F. & D. No. 40251. Sample No. 44240-C.)

The label of this product represented that each powder contained 4 grains of acetanilid, and that it was safe and reliable and possessed no narcotic properties; whereas the average amount of acetanilid contained in each powder was 3.13 grains, the product was not safe and reliable, and it did possess narcotic properties.

On or about September 9, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,440 packages of Goody's Headache Powder at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about May 5, 1937, from Winston Salem, N. C., by Goody's Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Each Powder Contains 4 Grs. Acetanilid," since each powder did not contain 4 grains of acetanilid but did contain a lesser amount.

It was alleged to be misbranded in that the statements on the label, "Each Powder Contains 4 Grs. Acetanilid" and "Goody's are absolutely safe and reliable and can be taken with complete assurance that they contain no * * * narcotic drugs in any form," were false and misleading since the powders each contained less than 4 grains of acetanilid and when taken in accordance with the directions they were not safe and reliable and did possess narcotic properties.

On September 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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