

district court a libel praying seizure and condemnation of 87 bottles of chloroform for anesthesia at San Francisco, Calif., alleging that the article had been shipped in interstate commerce in the year 1937 from Bristol, Tenn., by the S. E. Massengill Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, and its own standard was not stated on the label.

On January 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28328. Misbranding of Minto-San Mint Formaldehyde Spray. U. S. v. Huntington Laboratories of Colorado, Inc. Plea of guilty. Fine, \$100. (F. & D. No. 39818. Sample No. 41187-C.)**

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

On November 18, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Huntington Laboratories of Colorado, Inc., Denver, Colo., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on or about May 3, 1937, from the State of Colorado into the State of Utah of a quantity of Minto-San Mint Formaldehyde Spray which was misbranded. The article was labeled in part: "Manufactured and Guaranteed by Huntington Laboratories of Colorado, Inc. \* \* \* Denver, Colorado."

Analysis of a sample of the article showed that it consisted of formaldehyde, soap, oil of spearmint, water, and green coloring matter.

It was alleged to be misbranded in that statements, designs, and, devices appearing on the label falsely and fraudulently represented that it was effective as a corrective medium for pathological and bacteriological disturbances, and effective to have a soothing effect on the throat and nostrils and to greatly relieve coughing and sniffing.

The information alleged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1601, published under that act.

On December 16, 1937, a plea of guilty having been entered, the defendant was sentenced to pay a fine of \$100 for violation of the Food and Drugs Act, and \$200 for violation of the Insecticide Act of 1910.

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

**28329. Misbranding of Fairey Oil and Fairey's Famous Long Life Liquid. U. S. v. Fairey Wholesale Drug Co. and Edison A. Fairey. Plea of guilty. The corporation was fined \$15 and the individual was fined \$10. (F. & D. No. 39780. Sample Nos. 16149-C, 16150-C.)**

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

On October 12, 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 an information against the Fairey Wholesale Drug Co., a corporation, Orangeburg, S. C., and Edison A. Fairey, an officer of the corporation, alleging that within the 3 years immediately preceding the filing of the information, the said defendants delivered to J. Lagarre Phillips, a duly authorized agent, a quantity of Fairey's Famous Long Life Liquid, that the said agent subsequently transported the article from the State of South Carolina into the State of Georgia; that on or about January 26, 1937, the defendants shipped from the State of South Carolina into the State of Georgia a quantity of Fairey Oil, and that the articles were misbranded in violation of the Food and Drugs Act as amended. They were labeled in part: "Fairey Wholesale Drug Co."

Analyses of samples of the articles showed that Fairey's Famous Long Life Liquid consisted of a water-glycerin solution of plant extractives, including emodin-bearing drugs, with a small amount of sodium benzoate; and that the Fairey Oil consisted of a mixture of turpentine and methyl salicylate dyed with a green dye like chlorophyll; and that it was not an antiseptic and would not prevent infection.