

30396. Misbranding of Must-a-rub and Syrup White Pine and Tar. U. S. v. Clarence E. Worthen (American Proprietary Syndicate and American Drug Sales Co.). Plea of guilty. Sentence suspended and defendant placed on probation for 1 year. (F. & D. No. 42522. Sample Nos. 878-D, 908-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and that of the Syrup White Pine and Tar bore false and misleading representations regarding its alcohol content.

On June 28, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence E. Worthen, trustee in a declaration of trust for the American Proprietary Syndicate and trading as the American Drug Sales Co. at Malden, Mass.; alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 3 and December 11, 1937, from the State of Massachusetts into the State of Maine, of quantities of Must-a-rub and Syrup White Pine and Tar, which were misbranded. The Must-a-rub was labeled in part: "Prepared only by the New England Laboratory Company."

Analyses showed that the Must-a-rub was an ointment consisting of petrolatum, paraffin, a trace of an iodine compound, and essential oils including oil of mustard, methyl salicylate, and camphor; and that the Syrup White Pine and Tar consisted of sugar, glycerin, alcohol, water, chloroform, tar, and vegetable extractives including wild cherry.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that Must-a-rub was effective in the treatment of throat and chest troubles, rheumatism, croup and whooping cough, bronchitis, colds in the chest, pleurisy, lame back, sciatica, rheumatic and neuralgic pains, and other conditions; and that the Syrup White Pine and Tar was effective in the treatment and relief of pulmonary affections, subacute or chronic coughs, bronchitis, hoarseness, and other inflamed conditions of the air passages. The Syrup White Pine and Tar was alleged to be misbranded further in that the statement on the label, "Alcohol 9 per cent," was false and misleading since it represented that the article contained 9 percent of alcohol; whereas it contained a considerably less quantity of alcohol than 9 percent.

On February 21, 1939, the defendant entered a plea of guilty, and the court suspended imposition of sentence and placed the defendant on probation for a period of 1 year.

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

30397. Adulteration and misbranding of Caulk Absorbent Points and Caulk Absorbent Cotton Rolls. U. S. v. 21 Packages of Caulk Absorbent Points (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 44802, 44954, 44955. Sample Nos. 41832-D, 41833-D, 42475-D.)

These products, which had been shipped in interstate commerce and which remained unsold and in the original packages at the time of examination, were found to be contaminated with viable micro-organisms.

On February 8 and March 4, 1939, the United States attorneys for the Western District of Pennsylvania and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 21 packages of absorbent points at Pittsburgh, Pa., and 35 boxes of absorbent cotton rolls at Philadelphia, Pa.; alleging that the articles had been shipped on or about December 12, 1938, and February 1, 1939, by the L. D. Caulk Co. from Milford, Del.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the articles fell below the professed standard or quality under which they were sold, namely, (points) "Sterilized," (cotton rolls) "Absorbent Cotton Rolls * * * Sterilized * * * The goods in this container have been sterilized after packaging;" (ribbon tied around package) "Dental Absorbents—Sterilized," since they were not sterile but were contaminated with viable micro-organisms.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading when applied to articles that were not sterile: (Points, carton containing Sterilometer inclosed with points) "Sterility of content of package assumed"; (package containing points and Sterilometer) "Modern Root Canal Technique requires a Sterile Absorbent, not contaminated in any way. Caulk Absorbent Points are rendered sterile in the