

"Sold Only By Bloodine Co. Boston, Mass."; (Cre-O-Tol) "Sold by American Proprietary Co., Inc., Malden, Mass."

Analyses showed that the Prunitone Pills consisted of small, pink, sugar-coated pills containing aloes, podophyllum, phenolphthalein, strychnine, and brucine; that the Bloodine consisted essentially of a small proportion of tartaric acid, a trace of an antimony compound, alcohol (22.1 percent by volume), sugar, and water colored with a red dye; and that the Cre-O-Tol consisted of soap, water, coal-tar neutral oils, and phenols. Bacteriological examination showed that the Cre-O-Tol was not an antiseptic at a dilution of 1 teaspoonful to a quart of water.

The Prunitone Pills were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that they were effective to cleanse the system and purify the blood; effective in the treatment of torpid liver, dizziness, sick headache, and all diseases of the stomach, liver, and bowels; effective in the treatment of liver and bowel troubles, bad taste in the mouth, dyspepsia, indigestion, tired feeling and nervousness; effective in the treatment of liver ills; and effective to act gently yet thoroughly upon the liver and digestive organs. They were alleged to be misbranded further in that the name "Prunitone," borne on the carton and bottle labels, together with the design of a cluster of prunes on the carton were false and misleading since they represented that the therapeutic activity of the article was due to prunes or derivatives of prunes; whereas its therapeutic activity was due to other substances, namely, aloes, podophyllum, and phenolphthalein.

The Bloodine was alleged to be misbranded in that certain statements in the label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a tonic for the blood. It was alleged to be misbranded further in that the statement "Not Over 45% Alcohol," borne on the bottle label, was false and misleading in that the said statement represented that the article contained substantially 45 percent of alcohol; whereas it contained much less than represented, namely, approximately 22.5 percent of alcohol. It was alleged to be misbranded further in that it contained alcohol and its package failed to bear on its label a statement of the quantity or proportion of alcohol contained therein.

The Cre-O-Tol was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a treatment for aching feet and to reduce swellings quickly and to relieve soreness; effective as a treatment for cuts, burns, and wounds, and to relieve pain, to prevent infection, and to quicken healing; effective as a gargle for sore throat and as a treatment for diseased gums; and effective as a douche and to reduce inflammation. It was alleged to be misbranded further in that the statement "Antiseptic and Disinfectant," borne on the bottle label, was false and misleading since it represented that the article was an antiseptic and disinfectant in the dilutions recommended for use on the body; whereas it was not an antiseptic and disinfectant in the dilutions recommended for use on the body.

The information charged that the Cre-O-Tol was misbranded further in violation of the Insecticide Act of 1910, as reported in notice of judgment No. 1666 published under that act.

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

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

**30400. Adulteration and misbranding of cotton swab applicators. U. S. v. 31 Boxes of E-Z Sanitary Cotton Swab Applicators. Default decree of condemnation and destruction. (F. & D. No. 44477. Sample No. 26469-D.)**

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained a substantial amount of boric acid or other borate, but contained but a trace of such borate.

On or about December 6, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 boxes of the

above-named product at Hartford, Conn.; alleging that the article had been shipped in interstate commerce on or about August 18, 1938, by Steckler Sales Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "E-Z Products, New York, N. Y."

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold, namely, (carton) "absorbent cotton sterilized," "dipped in boric acid," "sanitary cotton swab applicators," (label) "sanitary swab," "boric acid dipped," since the article was not sterile but was contaminated and contained but an inconsequential trace of boric acid or other borate.

Misbranding was alleged in that the statements in the labeling, (carton) "absorbent cotton sterilized," "dipped in boric acid," "sanitary cotton swab applicators," "recommended by doctors and nurses," (label) "sanitary swab," "boric acid dipped," "recommended by physicians," "a household necessity for infants, children, or adults," and the designs borne on the label depicting application of the article to the lips of an infant and that borne on the carton depicting a nurse and a physician using the article in the mouth of a child were false and misleading when applied to an article which was not sterile and contained but an inconsequential trace of boric acid. It was alleged to be misbranded further in that the statement "a household necessity for infants, children, or adults" and the designs aforesaid were false and fraudulent in that they created the impression that the article might be safely used for infants, children, or adults, and that it was safe and appropriate for such uses; whereas it could be so used only by incurring danger, and was not safe and appropriate because it was not sterile.

On March 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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