

30618. Misbranding of Nichol's Lung Life. U. S. v. 17 Bottles of Nichol's Lung Life. Default decree of condemnation and destruction. (F. & D. No. 44387. Sample No. 38701-D.)

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

On November 26, 1938, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bottles of Nichol's Lung Life at Shelby, Miss.; alleging that the article had been shipped in interstate commerce on or about November 3, 1938, by Nichols Chemical Co. from Memphis, Tenn.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, sugar, alcohol, and extracts of plant materials including licorice.

The article was alleged to be misbranded in that the following statements on the bottle label regarding its curative or therapeutic effects were false and fraudulent: "Lung Life for that Cough," "Helps Clean the Blood," "A Special Lung Preparation for relieving all Lung Trouble, Coughs, Pneumonia, Bronchial Trouble, Spitting Blood, Asthma, Pellagra, and all Catarrhal conditions of the system," and "Especially recommended for Deep-seated colds on the Lungs, Coughs, Pneumonia, Asthma, Pellagra, Nervousness, Female Weakness and all Catarrhal conditions of the System. A few doses will convince you of its helping power."

On January 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30619. Adulteration and misbranding of Smaco Carotene in Oil. U. S. v. 420 Cartons, 192 Cartons, and 284 Cartons of Smaco Carotene in Oil. Default decree of condemnation and destruction. (F. & D. Nos. 41693, 41695. Sample Nos. 2905-D, 40078-C).

This product contained a smaller amount of vitamin A than that declared on the label.

On February 14, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 896 cartons of Smaco Carotene in Oil at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about September 29 and December 2, 1937, from Cleveland, Ohio, by S. M. A. Corporation; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (one shipment) "Gelatin capsules, each having a biological potency not less than 4000 new U. S. P. units of vitamin A (U. S. P. X-1934 revision)," or (other shipment) "Gelatin capsules, each having a biological potency not less than 4000 new U. S. P. units of vitamin A," in that each capsule was equivalent to less than 3,000 U. S. P. units of vitamin A.

Misbranding was alleged in that the following label statements were false and misleading when applied to an article consisting of capsules of an oil solution of carotene, each capsule being equivalent to less than 3,000 U.S.P. units of vitamin A: (One shipment) "Gelatin capsules, each having a biological potency of not less than 4000 new U.S.P. units of vitamin A (U.S.P. X-1934 revision)"; (other shipment) "Gelatin capsules, each having a biological potency not less than 4000 new U.S.P. units of vitamin A."

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

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

30620. Adulteration and misbranding of Normal Nux and Mercurial Eye Ointment; misbranding of santonin and calomel tablets. U. S. v. Norden Laboratories. Plea of guilty. Fine, \$100. (F. & D. No. 42677. Sample Nos. 15290-D, 15292-D, 15294-D.)

The Normal Nux contained less strychnine and brucine sulfates than declared; the Mercurial Eye Ointment contained less yellow mercuric oxide than declared; and the Santonin and Calomel Tablets contained santonin and calomel in excess of the amount declared.

On April 29, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district