

on or about February 2, 1939, by the Woltra Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard and quality under which it was sold, namely, "Made From Sterilized Absorbent Cotton," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statements in the labeling, (envelope) "Sanitary Applicators Boric Acid Dipped Swabs * * * Tongue Blade," (carton) "Sanitary Cotton Swab Applicators with Tongue Blade," "Made From Sterilized Absorbent Cotton and Dipped in Boric Acid," and "Sanitary Cotton Swab Applicators are Approved and Recommended By Doctors and Nurses," and the designs of a surgeon, a nurse, a man applying an applicator to the mouth of a boy, and a nurse applying an applicator to the eye of an infant, were false and misleading when applied to an article that was not sterile but which was contaminated with viable micro-organisms and which contained but a trace of boric acid.

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

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

30647. Misbranding of syrup of tar. U. S. v. 171 Bottles of Syrup of Tar with Extract of Cod Liver and Menthol. Default decree of condemnation and destruction. (F. & D. No. 44601. Sample No. 41764-D.)

This product was labeled to create the impression that it contained an appreciable amount of the active constituents of cod-liver oil; whereas it contained only insignificant amounts of vitamins A and D, active constituents of cod-liver oil. Furthermore, it was labeled to create a false impression regarding the identity of its manufacturer and the State of its manufacture.

On December 31, 1938, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171 bottles of the hereinafter-described product at Wilmington, Del.; alleging that it had been shipped in interstate commerce on or about September 30, 1938, from Philadelphia, Pa., by Merit Laboratories Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement "with extract of Cod Liver," appearing on the carton and bottle label and the design of a codfish appearing on the carton were false and misleading, since they created the impression that the article contained the active constituents of cod-liver oil; whereas it contained only insignificant proportions of the active constituents of cod-liver oil, i. e., vitamins A and D. A further allegation of misbranding was that the statement "Red Cross Pharmacy * * * 8th & Du Pont Streets Wilmington, Del.," appearing on the carton and bottle label, was false and misleading in that it created the impression that the article was manufactured by the Red Cross Pharmacy in the State of Delaware; whereas it was manufactured by Merit Laboratories Co. in the State of Pennsylvania.

On April 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30648. Misbranding of Gordon N-A-C Tablets, Gordon Stock Tonic, Gordon Bag Salve, and Gordon Red Liniment. U. S. v. McConnon & Co. Plea of nolo contendere. Fine, \$65. (F. & D. No. 42532. Sample Nos. 45767-C, 45771-C, 45773-C, 45774-C, 45777-C.)

These products were misbranded because of false and fraudulent curative and therapeutic claims. The Gordon Red Liniment was misbranded further in that it was intended for internal administration but contained carbitol (ethyl ether of diethylene glycol), which is a toxic substance.

On January 24, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McConnon & Co., a corporation, Winona, Minn., alleging shipment by said company on or about June 8, 1937, from the State of Minnesota into the State of Iowa, of quantities of the above-named drug preparations which were misbranded.

Analyses of samples showed that the N-A-C Tablets consisted essentially of volatile alkaloids (nicotine and arecoline), salts, calomel, and plant material,

together with calcium carbonate and iron oxide; that the Bag Salve consisted essentially of a yellow petrolatum ointment containing a small amount of volatile oil; that the Stock Tonic consisted essentially of charcoal, plant materials, calcium phosphate and carbonate, sodium chloride, bicarbonate, and sulfate, and iron oxide, together with small amounts of nux vomica, capsicum, and potassium iodide; and that the Red Liniment consisted essentially of a small proportion of camphoraceous material and capsicum in a solution of carbitol (ethyl ether of diethylene glycol) and water, colored with a red dye.

The N-A-C Tablets were alleged to be misbranded in that certain statements on the bottle label and in a booklet shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to remove tapeworm strobilae from "all domestic fowls, chickens, and turkeys," and effective as an aid in destroying the tapeworm strobilae in the aforesaid animals; effective to produce bile action and to purge domestic fowls and expel worms destroyed in their bodies; effective to remove tapeworm strobilae from all domestic fowls, chickens and turkeys weighing under 2 pounds and to cause a triple treatment and action in accomplishing such purpose; effective to produce an excessive bile flow that would cause tapeworms and large roundworms to loosen their hold; effective to operate with 100 percent efficiency in destroying worms in the intestinal tract, to protect against unthriftiness, ruffled feathers, sagging wings, paleness of the head, droopiness, emaciation, diarrhoea, constipation, blindness, limberneck, lameness, paralysis, and a condition like epilepsy; effective to avert loss of appetite and of flesh, and to prevent conditions that diminish egg laying; and effective to better the physical condition of the fowl.

The Stock Tonic 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 an ideal conditioner of cows, cattle, horses, mules, sheep, and hogs, as an aid to growth and fattening of cattle, to assist in recovery by cattle from a run-down condition, as a general tonic for milk herd, as an aid to greater pork, beef, mutton, wool, and milk production and better work stock, as an appetizer and digestive aid, as a general tonic for horses and mules that are out of condition and "off-feed," to influence the nervous system, stimulate the breathing centers, improve appetite and digestion, increase the flow of digestive juices; effective as an aid to more complete assimilation of the nutritious essentials in feeds; effective to attain maximum gains and benefits when used in accordance with directions and for the periods indicated, as a properly balanced tonic and conditioner for general stock use; effective as a general tonic and conditioner and as an aid in the growth, fattening, and recovering of cattle from a poor condition; and effective to fatten hogs.

The Bag Salve was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment of caked bag, noncontagious garget, and swollen quarters affecting cows.

The Red Liniment was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective in the treatment of casual swellings from congestion affecting the human body, and the bodies of domestic animals and poultry; effective in the treatment of earache, ordinary swellings from congestion, colic, bloat, dislocation, inflammation from simple casual irritations, pain in chest from simple cold or simple throat cold, toothache, cramps when due to gas, casual swellings from congestion, superficial burns and scalds affecting human beings, horses, cattle, sheep, hogs, poultry, and other animals, simple cold in horses, cattle, hogs, and sheep, and garget or inflammation of the udder in cows; and effective in the treatment of simple colds and colic either in man or horses, colts, cattle, calves, hogs, pigs, sheep, lambs, and poultry when due to gas. The Red Liniment was alleged to be misbranded further in that the bottle label bore directions for internal doses of the article in the treatment of diseases of man and other animals, which directions were false and misleading in that they implied that the article could be used without danger or risk; whereas it contained carbitol, i. e., ethyl ether of diethylene glycol, a derivative of diethylene glycol, which is a toxic substance that cannot be taken into the system without risk of causing illness of a serious nature.

On January 24, 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$65.

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