

On September 23, 1939, the United States attorney for the District of Maine filed a libel against 39 packages of Hartshorn's Headache Powders at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about July 22, 1939, by E. Hartshorn & Sons, Inc., from Northampton, Mass.; and charging that it was misbranded.

On October 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

80. Misbranding of Cephalgine Tablets. U. S. v. 30 Packages of Cephalgine Tablets. Default decree of condemnation and destruction. (F. D. C. No. 460. Sample No. 69431-D.)

This product consisted essentially of acetanilid, caffeine, and camphor. It would be dangerous to health when used as recommended, and its labeling failed to reveal the consequences which might result from its use. Its labeling was further objectionable because of false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On August 28, 1939, the United States attorney for the District of New Hampshire filed a libel against 30 packages of Cephalgine Tablets at Concord, N. H., alleging that the article had been shipped in interstate commerce on or about March 28 and April 20, 1939, by the Cephalgine Co. from Spencer, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which recommended that a dose of one or two tablets be taken; that two more might be taken in 1 hour if needed or that two tablets might be taken every 3 or 4 hours and that, between the ages of 5 and 10, half the above dose should be administered; and because of failure of the labeling to bear warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users. It was alleged to be misbranded further in that statements in the labeling in which it was recommended as a relief of pain and discomfort due to simple headaches, neuralgia, and muscular aches and pains and in which it was represented that frequent use did not require an increase in the dose; that it contained no habit-forming drug or narcotic were false and misleading, since it was not a safe remedy for the conditions mentioned, and the said statements encouraged the user to take the preparation frequently and misled the user to believe that it might be taken with safety; whereas it contained a dangerous drug, acetanilid.

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

81. Misbranding of Bromo-Seltzer. U. S. v. 168 Dozen Small Size, 102 Dozen Medium Size, 171 Dozen Large Size, 33 Dozen Extra Large Size, and 115 Dozen Dispensing Size of Emerson's Bromo Seltzer (and 7 other seizure actions instituted against Bromo Seltzer). Motion filed by claimant for consolidation and removal. Motion for consolidation granted. Motion for removal denied. Cases consolidated under one libel captioned U. S. v. 376 Dozen Small Size, et al. Emerson's Bromo-Seltzer. Consent decree of condemnation. Product ordered released under bond for salvaging the citric acid and the containers. (F. D. C. Nos. 184, 185, 186, 188, 189, 190, 191, 192, 195, 196. Sample Nos. 44847-D, 44848-D, 44861-D, 44862-D, 45051-D to 45057-D, incl., 45395-D to 45400-D, incl., 45501-D to 45514-D, incl., 59378-D, 59379-D, 59380-D, 59909-D to 59914-D, incl., 60061-D to 60071-D, incl., 60101-D, 60102-D.)

This product contained acetanilid, sodium bromide, and caffeine incorporated in an effervescing mixture. Seizure action was instituted on the charges that it was dangerous to health when used as directed in the labeling, and that its labeling failed to reveal facts material with respect to consequences which might result from its use.

On March 7, 8, and 10, 1939, the United States attorneys for the Southern District of New York, Northern District of Georgia, Eastern District of Tennessee, and the Middle District of North Carolina filed libels against a total of 1,116 $\frac{2}{3}$ dozen small size, 798 $\frac{2}{3}$ dozen medium size, 485 $\frac{3}{4}$ dozen large size, 101 $\frac{1}{4}$ dozen extra large size, 188 $\frac{3}{4}$ dozen dispensing size packages, and 20 cards, each bearing a number of individual dose tubes of Bromo Seltzer, in various lots at New York N. Y.; Atlanta, Ga.; Knoxville, Tenn.; and Greensboro, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about October 31, 1938, to on or about March 8,