The Sanafrio was alleged to be misbranded in that the following statements in the labeling, (carton) "For * * * Chest Colds * * * Relieves Headache, Neuralgia, Inflammation in Head Colds, and similar conditions. * * * Directions Apply externally to the chest. Acts much like a plaster and helps to relieve local congestion," and (jar) "Relieves Headache, Neuralgia, Congestion, and Inflammation in * * * Chest Colds and similar conditions * * * Chest Colds, Cough, Sore Throat," were false and misleading since it would not be efficacious as a treatment or relief for such conditions.

On May 19, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $75 on each of the 3 counts and suspended the sentence on counts 2 and 3 on condition that the defendant comply with instructions of the Government.

758. Misbranding of agar and oil with phenolphthalein. U. S. v. 28 Dozen Bottles of Royale Agar and Oil (and 1 other seizure action against Agar and Oil with Phenolphthalein). Default decrees of condemnation and destruction. (F. D. C. Nos. 7052, 7647. Sample Nos. 40894-E, 77140-E.)

The bottles containing this product were unlabeled when shipped in interstate commerce.

On March 18, and June 15, 1942, the United States attorney for the Eastern District of Pennsylvania filed libels against 61 dozen bottles of Agar and Oil with Phenolphthalein at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 7 and March 21, 1942, by the Vital Laboratories from Union City, N. J.; and charging that is was misbranded. After shipment a portion of the article was labeled in part, (bottle) "Royale Agar and Oil with Phenolphthalein"; and the cartons containing the remainder were labeled in part, "I. S. 137 1 Doz 16 Oz."

Analysis showed that the article was an emulsion containing mineral oil and phenolphthalein.

It was alleged to be misbranded in that it bore no labeling containing (1) adequate directions for use; (2) adequate warnings, since the label failed to warn that it should not be taken when suffering from nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and that frequent or continued use might result in dependence upon laxatives; (3) the name and place of business of the manufacturer, packer, or distributor; (4) an accurate statement of the quantity of the contents; and (5) the common or usual name of each active ingredient.

On May 1 and July 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

759. Adulteration and misbranding of Aurofectol; misbranding of Purpoil No. 22 and Purpoil No. 600. U. S. v. 6⅔ Dozen Packages of Purpoil No. 22, 3½ Dozen Packages of Purpoil No. 600, and 2½ Dozen Packages of Aurofectol. Default decree of condemnation and destruction. (F. D. C. No. 7474. Sample Nos. 87163-E, to 87165-E., incl.)

The labeling of the Purpoil Nos. 22 and 600 failed to bear such warnings as are necessary for the protection of users and also contained false and misleading curative and therapeutic claims. The labeling of the Aurofectol contained false and misleading claims regarding its curative, therapeutic, and antiseptic properties.

On May 6, 1942, the United States attorney for the District of Columbia filed a libel against the above-named products at Washington, D. C., alleging that they had been shipped in interstate commerce on or about March 9 and 25, 1942, by Purpoil Laboratories, Inc., from Baltimore, Md.; and charging that they were misbranded and that the Aurofectol was also adulterated.

Analyses of samples of the Purpoil Nos. 22 and 600 showed that both consisted essentially of mineral oil containing small quantities of iodine, chlorobutanol, and menthol. Analysis of a sample of the Aurofectol showed that it consisted essentially of a mixture of oils and phenols. Bacteriological tests of the Aurofectol showed that it was not antiseptic.

The Purpoil Nos. 22 and 600 were alleged to be misbranded in that their labels failed to bear adequate warnings against use by children where their use might be dangerous to health and failed to bear adequate warnings against unsafe duration of administration or application in such manner and form as are necessary for the protection of users, since they failed to warn that use by children might be dangerous and that frequent or excessive use might cause injury to the lungs. The Purpoil No. 22 was alleged to be misbranded further