not more than 0.823 at 25° C. and shall contain not less than 3 percent of ethyl nitrite.

The articles were alleged to be adulterated in that they purported to be drugs, the names of which are recognized in an official compendium, and their strength differed from the standards set forth in such compendium, and their difference in strength from such standards was not stated on their labels.

They were alleged to be misbranded in that the name and address of the manufacturer appeared in a very small size of type which, on some labels, was practically illegible and was therefore not prominently placed upon the labels with such conspicuousness, as compared with other words, statements, designs, or devices, as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

924. Adulteration and misbranding of Azamine Capsules. U. S. v. 4 Boxes of Azamine Capsules. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 8018. Sample No. 7216–F.)

This product contained the active ingredient in excess of the amount declared on the label, and it would not be an effective treatment for various disease conditions for which it was recommended in the labeling.

On July 31, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel at Milwaukee, Wis., against 4 boxes of Azamine Capsules, alleging that the article had been shipped in interstate commerce on or about June 8, 1942, by the Nepera Chemical Co., Inc., from Yonkers, N. Y.

Analysis of a sample of the article showed that each capsule contained not less than 5.89 grams (90.9 grains) of tolyl azo diamino pyridine hydrochloride.

It was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess.

It was alleged to be misbranded in that the statement "5 Grams * * * Each capsule contains 5 grams (77.2 grs. app.) of Tolyl-Azo-Diamino-Pyridine-Hydrochloride," borne on the label, was false and misleading.

The article was also alleged to be misbranded in that statements made in the labeling which represented and suggested that it was effective in the treatment of various disease conditions were false and misleading since it was not effective for these conditions. Some of the representations made were that Azamine has been shown to possess marked bactericidal power in coccal and *B. coli* infections, and that it was an antiseptic of proved value in a wide range of infections in large and small animals. It was recommended for mastitis, metritis, vesicular vaginitis, urinary infections, necrotic lesions, sinuses and fistulae, as well as for acute septic metritis, cystitis, nephritis, coccidiosis, gastritis, enteritis, septicemia and pyemia. It was also recommended as a topical application for udder and teat injuries, keratitis, conjunctivitis, and traumata of eye and associated tissues.

On October 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

925. Adulteration and misbranding of Paracelsus. U. S. v. 26 Boxes of Paracelsus. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 8161. Sample No. 4205–F.)

On or about August 23, 1942, the United States attorney for the Southern District of Indiana filed a libel at New Albany, Ind., against 26 boxes of Paracelsus at Bedford, Ind., alleging that the article had been shipped in interstate commerce on or about May 22, 1942, by the American Biochemical Corporation from Cleveland, Ohio.

The labeling of the article represented it to possess the following ingredients: Phosphorus, 245 milligrams; calcium, 84 milligrams; iron, 12 milligrams; iodine, 2.40 milligrams; manganese, .09 milligram; magnesium, 8 milligrams; and sulfur, 68 milligrams.

Analysis of the article showed that it was a mixture of chemical salts, principally sodium phosphate, potassium chloride, table salt, magnesium sulfate, calcium lactate, sodium bicarbonate, and lesser quantities of other chemical salts. The article was approximately 93 percent deficient in phosphorus, 55 percent deficient in calcium, 90 percent deficient in iron, and contained no iodine. It contained 211 percent more manganese, 181 percent more magnesium, and 63 percent more sulfur than was declared on the label.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess.

It was also misbranded in that the statements with respect to the mineral content were false and misleading, since the statements were incorrect. It was further misbranded since statements made in the labeling representing and suggesting that the product was efficacious as a dietary supplement, as a body builder, as a tonic, and to correct disorders arising from dietary deficiencies, were false and misleading. The product was also recommended in the labeling as efficacious in the treatment of arthritis, rheumatism, neuritis, influenza, and phlebitis, and was represented as a combination of inorganic minerals in their most assimilable form, which would supply the minerals necessary to normal nutrition in the most desirable amounts. In fact, the article was not efficacious for the purposes recommended and was not a combination of inorganic minerals in their most assimilable form, which would supply the minerals necessary to normal nutrition in the most desirable amounts.

On October 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

926. Adulteration of Mennen Antiseptic Oil. U. S. v. 38 Packages of Mennen Antiseptic Oil. Default decree of condemnation. Product ordered delivered to New York City Salvage Committee. (F. D. C. No. 8250. Sample No. 16841–F.)

On August 27, 1942, the United States attorney for the Southern District of New York filed a libel against 38 packages of Mennen Antiseptic Oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 16, 1942, by the Mennen Co., from Newark, N. J.

Bacteriological examination showed that the article was neither germicidal nor self-sterilizing. Chemical examination showed that it consisted of a yellow, perfumed, saponifiable oil containing small amounts of hydroxyquinoline, chlorobutanol, hydroquinone, and benzoic acid. The article was alleged to be adulterated in that its strength differed from that which it was represented to possess in the labeling, "Germicidal * * * Self Sterilizing."

It was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since the article was not a germicide, was not self-sterilizing, and was not efficacious for the symptoms and conditions mentioned: "* * * Germicidal * * * Self-Sterilizing * * * It is so medicated as to make the oil * * * germicidal * * * self-sterilizing. * * * It has equal antiseptic and germicidal powers to the commonly used ammoniated mercury ointments. * * * The oil is self-sterilizing, and autoclaving is not necessary. * * * It helps kill and prevent the growth of pyogenic organisms as long as it is in contact with the skin. * * * It helps maintain and conserve vital body temperature. It helps sterilize * * * the diaper area. * * * Meets the widespread demand of hospitals, physicians, nurses and mothers * * * germicidal * * * and self-sterilizing oil * * * offers protection against infection * * * Mennen Antiseptic Oil aids in keeping the skin of the babies free from pyogenic organisms. * * * quickly relieves * * * aggravated skin conditions. Prescribed where * * * germicidal oil dressing is required."

It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of chlorobutanol, a chloroform derivative, contained therein.

On October 1, 1942, no claimant having appeared, judgment of condemnation was entered and the court ordered the marshal to deliver the article to the New York City Salvage Committee for national defense and salvage purposes.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS[22]

DRUGS FOR HUMAN USE

927. Action to restrain and enjoin interstate shipment of Dolphin's Natural Barks. U. S. v. Byron J. Dolphin (Dolphin's Natural Barks). Tried to the court and jury. Verdict in favor of the Government. Permanent injunction granted. (Inj. No. 44.)

On December 5, 1942, the United States attorney for the Western District of Washington filed a complaint against Byron J. Dolphin, doing business as Dolphin's Natural Barks at Seattle, Wash., alleging that the defendant for many years past had been engaged in the sale and distribution of an article of drug

[22] See also Nos. 901–903, incl., 905–914, incl., 917–922, incl., 924–926, incl.