

treatment of colds; and in that the label did not bear a statement of the quantity or proportion of acetanilid present since the statement "* * * in each fluid ounce: acetanilid 3 grs" was incorrect.

On June 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1089. Misbranding of Py-Ro. U. S. v. 6 $\frac{1}{3}$ Dozen Bottles and 7 $\frac{2}{3}$ Dozen Bottles of Py-Ro. Default decree of destruction. (F. D. C. No. 10014. Sample No. 3374-F.)

On or about June 21, 1943, the United States attorney for the Western District of Missouri filed a libel against 6 $\frac{1}{3}$ dozen bottles, containing 4 fluid ounces each, and 7 $\frac{2}{3}$ dozen bottles, containing 8 fluid ounces each, of Py-Ro, at Kansas City, Mo., alleging that the article had been shipped on or about April 3, 1943, from New York, N. Y., by Oran Products; and charging that it was misbranded.

Examination showed that the article consisted essentially of sodium hypochlorite, chlorthymol, and oil of peppermint dissolved in water.

The article was alleged to be misbranded in that the name, "Py-Ro," and the statements on the label, "Py-Ro * * * Using cotton saturated with Py-Ro, rub your gums * * * place on each side of affected parts of gums * * * If your gums are too tender due to inflammation * * * Swirl Py-Ro from one side of mouth to the other to force it down into gums and between the teeth * * * As inflammation decreases diminish water until full strength can be used. (This method tends to allay the inflammation of the gums which is usual at beginning of treatment)," were false and misleading, since the name and statements represented and suggested that the article was an effective treatment for pyorrhea, whereas it was not so effective; and in that the statement, "for Trench Mouth Symptoms," appearing on the label, was false and misleading since the article was not an effective treatment for trench mouth.

On August 4, 1943, no claimant having appeared, judgment was entered ordering the destruction of the product.

1090. Misbranding of U-X Improved Shaving Medium. U. S. v. 45 $\frac{2}{3}$ Dozen Packages of U-X Improved Shaving Medium. Tried to the court. Decree of condemnation and destruction. (F. D. C. No. 4098. Sample No. 19198-E.)

On April 1, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 45 $\frac{2}{3}$ dozen packages of the above-named product at Pittsburgh, Pa., alleging that the article had been shipped on or about October 4 and 21, 1940, by the U-X Manufacturing Co., Inc., from New York, N. Y.; and charging that it was misbranded under the provisions of the law applicable to cosmetics, as reported in the notices of judgment on cosmetics, No. 104.

On May 2, 1941, the U-X Manufacturing Co., Inc., claimant, filed an answer denying that the article was a cosmetic and was misbranded, and on June 7, 1941, pursuant to the stipulation of the parties, the case was ordered removed to the United States District Court for the District of Connecticut. On or about December 10, 1941, the United States attorney for the District of Connecticut filed an amendment to the libel, charging that the article was also misbranded under the provisions of the law applicable to drugs.

Examination showed that the article consisted essentially of magnesium carbonate, peroxide, such as magnesium peroxide and urea peroxide, together with small amounts of soap, gum arabic, and milk sugar.

It was alleged to be misbranded as a drug in that the following statements, appearing on the carton and in a circular contained in the package, were false and misleading since they represented that the article was efficacious for the purposes recommended, whereas it was not efficacious for such purposes: "U-X is absolutely non-irritating. Highly recommended by the medical profession for its skin protecting soothing properties. * * * Redness, smarting and chinchafe will disappear with use of U-X. * * * allowing time for the skin to rid itself of all other substances with which it may have become impregnated by ordinary shaving methods. * * * 'My skin was scraped and chafed. Since using U-X my skin is healthy and clear.' * * * 'My skin is allergic to a pimple condition and U-X is most beneficial.'"

An answer denying the allegations set forth in the amendment to the libel was subsequently filed by the claimant, together with a motion and petition dated February 13, 1942, for the removal of the case to the Southern District of New York. The motion was consented to by the Government's attorney and, on February 16, 1942, an order was entered for the removal of the case to the United States district court for that district. On February 23, 1942, a motion to revoke