

Analysis showed that the capsules contained a fatty oil, other than olive oil, and material derived from garlic.

**RESULTS OF INVESTIGATION:** The 4 cartons of the *gelatin capsules* were the remainder of an original shipment consisting of 10 cartons. After the receipt of such cartons by the consignee, R. M. Newcomb, Philadelphia, Pa., a number of the capsules were repackaged into the boxes described above. Information obtained at the time of the investigation indicated that the folders described above were printed in Philadelphia, Pa.

**LABEL, IN PART:** (Cartons) "Quantity: 10,000 Size: 6 minim Soluble gelatin capsules each containing .344 gram fill garlic and vegetable oils. Dosage: 2 capsules daily. \* \* \* W. G. Peacock Co. Evanston \* \* \* Illinois"; (boxes) "Newallium Oleum \* \* \* 6-Minim Capsules Concentrate of valuable factors in garlic infused in Olive Oil. \* \* \* One capsule twice daily with meals, or as directed by doctor. R. M. Newcomb Co. 5231 Chestnut St. Philadelphia 39, Pa."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the article in the cartons failed to bear adequate directions for use. The article was misbranded in such respect when introduced into, and while in, interstate commerce.

Misbranding, Section 502 (a), the folders accompanying the article contained statements which represented and suggested that the article contained in the cartons and in the boxes was an adequate and effective treatment for high blood pressure, respiratory and intestinal catarrh, colitis, enteritis, diarrhea, and related ailments; that the article was a vermifuge for children or adults; that it would prevent and cure infections; that it was a bactericide when employed in the recommended dosage; that it would relieve headache and dizziness associated with high blood pressure; that it was an effective treatment for chronic enterocolitis, *Salmonella* infections, including paratyphoid; and that it was a kidney stimulant. The statements were false and misleading since the article was not an adequate and effective treatment for such conditions, and would not fulfill the other promises of benefit stated and implied; and the statement "Concentrate of valuable factors in garlic infused in Olive Oil" borne on the label of the article in the boxes was false and misleading since the article did not have the composition stated. The article was misbranded under Section 502 (a) while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 26, 1950. R. M. Newcomb having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**3226. Misbranding of Syno. U. S. v. 3 Bottles, etc. (F. D. C. No. 29014. Sample Nos. 59939-K, 59940-K.)**

**LIBEL FILED:** March 21, 1950, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about October 12, 1948, by Hubert H. Setzler, from Newberry, S. C.

**PRODUCT:** 3 full and 1 partially filled 1-gallon bottles and 67 2-fluid-dram bottles of *Syno* at Milwaukee, Wis., in possession of Syno Sales, Inc. The 2-fluid-dram bottles were filled with the product which was taken from part of the October 12 shipment.

Examination of samples showed that the product consisted essentially of chloroform, approximately 40 percent by volume, camphor, alcohol, water, a fatty oil, and a small proportion of free fatty acid.

**LABEL, IN PART:** (Gallon bottle) "Syno." Some of the small bottles were unlabeled; others were labeled in part: (carton) "Syno Contains: Olive Oil, Camphor Monoethylene, Camphor Dicarbontrichloride, Palmotolic Acid, Chloroform 6% and Alcohol 5% \* \* \* For Painful Sinusitis."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the name "Syno" appearing on the label was false and misleading since the name suggested and implied that the article was effective in the treatment of sinusitis; Sections 502 (b) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient and the quantity or proportion of chloroform contained in the article; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use. The article was misbranded in the above respects when introduced into, and while in, interstate commerce.

Further misbranding, Section 502 (a), the statement "Contains \* \* \* Chloroform 6%" appearing on the label of the article, which had been repacked into small bottles, was false and misleading since the article contained more than 6 percent of chloroform; the statement "Contains \* \* \* Camphor Monoethylene, Camphor Dicarbontrichloride" appearing on the carton and bottle labels of the repacked article was false and misleading since the article did not contain such ingredients; and certain statements in the labeling of the repacked article were false and misleading since the statements represented and suggested that the article was adequate and effective in the treatment of sinusitis, whereas the article was not adequate and effective in the treatment of sinusitis. The repacked article was misbranded in the above respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 29, 1950. Default decree of condemnation and destruction

**3227. Misbranding of hair conditioner. U. S. v. 283 Jars, etc. (F. D. C. No. 29041. Sample No. 1745-K.)**

**LABEL FILED:** On or about April 13, 1950, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about February 10 and 17, 1950, by Argyle Laboratories, Inc., from New York, N. Y.

**PRODUCT:** Hair conditioner. 283 16-ounce jars and 301 8-ounce jars at St. Petersburg, Fla., in possession of Miss Peggy Rohrer, trading as the Tru-Lan Co.

**RESULTS OF INVESTIGATION:** The product was shipped unlabeled. After its receipt, the consignee, Miss Peggy Rohrer, caused to be affixed to some of the jars a label reading, in part: "Tru-Lan Hair Conditioner With Lanolin." No labeling agreement existed between the shipper and the consignee.

Examination showed that the product consisted essentially of petrolatum, lanolin, water, and perfume.

**NATURE OF CHARGE:** Misbranding (unlabeled bottles), Sections 502 (b) (1) and (2), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (1), its labeling failed