

4355. Misbranding of "Electrozone." U. S. \* \* \* v. 7 Cases \* \* \* of \* \* \* "Electrozone." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5895. I. S. No. 22191-h. S. No. E-103.)

On September 2, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and, on April 17, 1915, an amended libel, for the seizure and condemnation of 7 cases of "Electrozone," remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on May 22, 1914, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The shipping cases were labeled: "One Doz. Electrozone Antiseptic Germicide Disinfectant The Chemical & Electrical Co., New York, U. S. A. 5 23 14 80613." The bottles were labeled: "Electrozone Not Affected by Pure Drug Law. Contains 32 Fluid Ounces To Consumers, Druggists, Physicians, and Surgeons. Formula  $\text{NaClO}$ .  $\text{MgCl}_2\text{O}_2$ .  $\text{CaCl}_2\text{O}_2$ .  $\text{KClO}$ .  $\text{KBrO}$ .  $\text{NaIO}$ .  $\text{NaHSO}_2$ . The above compounds are liberated by our system of electrolysis and held in solution. The Action of Electrozone. When the Hypochlorites are brought in contact with organic matter—such as bacteria—chlorine is set free, which unites with the hydrogen of the organic matter, thus destroying the germs; ozone is formed together with nascent oxygen and per-oxide of hydrogen, which oxidizes and disintegrates the remaining portions of the organic material. Non Poisonous. Absolutely Harmless. Always Beneficial. Used by New York Board of Health By the Department of Public Safety, Philadelphia By U. S. Government, 'Dept. of Havana.' By leading Families, Hotels, Clubs, Public & Private Institutions & Hospitals. And is recommended by Physicians and Surgeons for Domestic and Municipal Uses. Price 50c. per bottle The Chemical & Electrical Co. Proprietors and Manufacturers, 45 Broadway, New York, N. Y. U. S. A. Not Affected by Pure Food Law."

It was alleged in the libel and the amendment thereto that the article was misbranded within the meaning of the Food and Drugs Act, as amended, in manner following, to wit, in that the label on the bottle and the booklet in the packages contained the following statements, regarding the article and the ingredients and substances contained therein, which were false and misleading: (a) The name "Electrozone," (b) The chemical formula, " $\text{NaClO}$   $\text{MgCl}_2\text{O}_2$ .  $\text{CaCl}_2\text{O}_2$ .  $\text{KClO}$ .  $\text{KBrO}$ .  $\text{NaIO}$ .  $\text{NaHSO}_2$ ;" (c) The statement, "When the hypochlorites are brought in contact with organic matter \* \* \* ozone is formed together with nascent oxygen and per-oxide of hydrogen, which oxidizes and disintegrates the remaining portions of the organic material;" (d) The statement, "its compounds are split up and ozone is liberated;" (e) The statement, "the ozone liberated by this process is a concentrated form of oxygen;" (f) and the statement, "Electrozone, freely sprayed into such an atmosphere, by liberating ozone, neutralizes the carbonic acid gas and fills the air with a fresh supply of oxygen, thus restoring the air to a perfectly healthful condition;" (1) in that purchasers were led to believe that the product consisted of, or contained, ozone associated with electricity, when, in truth and in fact, it did not contain ozone and was not associated with electricity, (2) in that the chemical formula indicated that the product was composed of sodium hypochlorite, magnesium hypochlorite, calcium hypochlorite, potassium hypochlorite, potassium hypobromite, sodium hypiodite and acid sodium hyposulphite, respectively, when, in truth and in fact, it was not so composed; (3) in that ozone was not formed together with nascent oxygen and peroxid of hydrogen when the hypochlorites were brought in contact with organic matter; (4) in that

ozone was not liberated, and (5) in that no ozone was liberated. Misbranding was alleged for the further reason that the labels on the bottles and the booklets contained in the packages bore the following statements, regarding the curative or therapeutic effect of the article, and devices in the form of directions for its use, which were false and fraudulent, (On label) "Insect Bites, Hives, Sunburns—Local applications of Electrozone will relieve and cure speedily," "Eczema—Bathe with Electrozone for five minutes, or make five minute application with gauze saturated with Electrozone every three hours, afterwards rinse off. This is for adults; diminish according to age," "Chronic Diarrhoea—Inject after each passage, solution of 1 oz. Electrozone to 4 oz. hot water, and retain as long as convenient," "Rheumatism—Rub the affected parts well with Electrozone. Apply frequently a cloth saturated with Electrozone," "Leucorrhoea—Inject solution 1 part Electrozone and 6 parts warm water, night and morning, using 'fountain syringe.' No metal." (In booklet) "Electrozone annihilates germ life. Its use results in prompt reduction of inflammatory conditions," "Electrozone instantly relieves the pain of the severest scald or burn. Applied to inflamed tissues of any kind, wounds, cuts or bruises, its effect is magical," "But the greatest value of Electrozone is in its power to cure and prevent sickness by destroying the microbe of disease," "As an antiseptic, to be applied to cuts, burns, bruises, skin diseases, surgical operations, etc., Electrozone is without an equal for the reasons above stated," "Piles, Hemorrhoids, and Inflammatory Conditions. If the trouble is internal, inject about a pint of a solution containing one part of Electrozone to 4 parts of warm water after each passage. \* \* \* The cause of itching piles, though appearing to be external, is internal, and where external treatment does not effect a cure, take injection as above indicated," "Cholera Infantum. If the attending physician approves: Make mixture of 1 oz. Electrozone and 7 oz. warm water. Of this mixture, inject 1 oz. after each passage," "Diphtheria. If the attending physician approves. The nose and throat must be liberally sprayed every half hour with a mixture of 1 oz. Electrozone diluted with 3 oz. water. Patients should also gargle with same mixture. Patients to be kept out of drafts. Diet to be regulated and should be stimulating and nourishing, preferably milk and brandy," "La Grippe. This remedy, taken at first signs of La Grippe, will check the disease at once and effect an immediate and certain cure. All inflammations of nose, throat, and air passages should be treated in this manner, thus guarding against development of more serious complications," "Granulated Eyelids, Inflamed Eyes or Lids, and Sloughing Cornea. For granulated eyelids or inflamed eyes or lids use 1 part Electrozone to 15 to 20 parts warm water. A continued regular treatment in this manner will effect a cure," "Ringworms, Shingles, and Rashes. Wash parts affected with castile soap and warm water. Apply Electrozone for 15 to 30 minutes, night and morning, and oftener if desired. The itching and irritation should cease soon," "Dandruff, or Falling Hair, and Scalp Eczema. Wash the head thoroughly with castile soap, rinse thoroughly, and apply Electrozone liberally. Rub in well, and keep up friction with hand or brush for ten minutes, after which wash out the Electrozone. Dry the hair, then rub thoroughly with brush till active circulation in scalp is established. This treatment should be continued every night, till the hair ceases falling out, all dandruff is removed, and all itching stopped. The scalp should be treated as above once or twice every month to keep it in healthy condition," "Earache. Remove wax, using warm water and castile soap. Saturate a piece of absorbent cotton with Electrozone, and insert in the ear. It will speedily remove the pain. Discharges from the ear may be arrested and cured by syringing the ear gently with Electrozone diluted one-half with

warm water so that the mixture is warm when applied," in that the article would not produce the curative or therapeutic effects which were claimed as above, nor would the use of the drug as directed result in the therapeutic effects which the purchasers were to expect by the device in the form of directions: It was further alleged that these statements were applied to the drug with a knowledge of their falsity, and the directions for its use were applied with the knowledge that, even if followed, no therapeutic effects would result to the particular disease named, the false statements and the misleading directions being so applied for the purpose of defrauding purchasers.

On February 15, 1916, the Chemical & Electrical Co., New York, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, with the understanding that it should apply only to certain of the therapeutic claims, it was ordered, adjudged, and decreed by the court on said date and, on February 23, 1916, "that the said property, to-wit: Seven cases of Electrozone, labeled and branded as set forth in the said libel, is misbranded in so far as it relates to some of the therapeutic effects of the said property; that the said property be and the same is hereby condemned and forfeited for the causes set forth in the said libel to the extent mentioned in this decree; that a judgment be entered against the claimant in favor of the libellant for the costs of these proceedings."

It was provided, however, upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, one of the conditions of which was that the article should be relabeled under the supervision of the Chief of the Philadelphia Laboratory of the Bureau of Chemistry of the Department of Agriculture, that the United States marshal should deliver said property to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*