

On or about February 15, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of Lung Saver, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., on or about February 12, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including glycyrrhiza, chloroform (1.85 minims per fluid ounce), sugar, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of chloroform contained in the said article, since the label declared 7 minims of chloroform per fluid ounce, whereas analysis showed that but 1.86 minims per fluid ounce were present. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Lung Saver * * * The Lung Saver Co. * * * Lung Saver for Coughs * * * Bronchitis, Grippe, Tightness and Soreness on the Breast, Asthma. * * * Whooping Cough and Croup. * * * For Asthma and Bronchitis * * * To stop a cough at night * * * Lung Saver;" (individual carton) "Lung Saver, The Good Cough Syrup * * * Lung Saver Cough Syrup for * * * Croup, Coughs, Whooping Cough, Tightness and Soreness on the Breast, Asthma, Bronchitis, Grippe * * * The Lung Saver Co.;" (wholesale carton) "Lung Saver. The Good Cough Syrup, The Lung Saver Co."

On June 30, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17635. Misbranding of Ointrex. U. S. v. 12 Dozen Jars, et al., of Ointrex. Default decrees of condemnation, forfeiture, and destruction.
(F. & D. Nos. 24739, 24743. I. S. Nos. 023684, 023687. S. Nos. 3100, 3102.)

Examination of samples of a drug product known as Ointrex, having shown that the labels of the article bore certain curative and therapeutic claims that were not justified by its composition, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On May 7, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 dozen tins and 16½ dozen jars of Ointrex, remaining in the original unbroken packages at Denver, Colo., consigned by the Rex Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., in various consignments on or about March 7, March 31, and April 15, 1930, respectively, and had been transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was an ointment with a petrolatum base containing volatile oils including origanum oil, camphor, menthol, and methyl salicylate.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "A scientifically developed ointment to relieve * * * Catarrh * * * Respiratory and Surface Inflammation and Congestion. * * * To relieve congestion and inflammation of the respiratory organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh * * * Hay Fever. * * * Sore Throat * * * Whooping Cough, Catarrh, Asthma and Hay Fever. * * * As A Liniment Or Dressing * * * Headache;" (carton containing jars) "A scientifically developed ointment to relieve colds, to arrest their development and prevent complications and serious consequences * * * to relieve congestion and inflammation of the respiratory organs * * * Influenza, LaGrippe, Croup, Asthma, Catarrh * * * Hay fever;" (circular accompanying jars) "Keep them Healthy. A Scientifically Developed Ointment to Relieve Colds, to Arrest Their Progress and Prevent Complications and Serious Consequences. Use Ointrex to Check

* * * Croup * * * Coughs * * * Whooping Cough * * * Head-aches * * * Asthma * * * Nasal Catarrh * * * Directions for Using and Applying Ointrex. Congestion or Inflammation of the Air Ducts * * * Ointrex. * * * It lubricates and holds within, inhalants that relieve the nasal passage and prevent the formation of excessive mucus to carry infection to the throat, lungs and stomach. * * * Those susceptible * * * who suffer from nasal catarrh will do well to make this simple test of Ointrex. In no more than five minutes it will demonstrate its healing and protective virtues. * * * Ointrex used in this manner as a preventative and relief * * * for nasal catarrh * * * Neglected colds cause tens of thousands of deaths every year;" (display card accompanying portion of jars) "Colds Neglected Cause Tens of Thousands of Deaths Annually * * * Relieves * * * Bronchial, Sinus and Polypus Troubles;" (label on tins) "Relieves * * * Bronchial Sinus and Polypus Troubles * * * Chilblains * * * Asthma and Nasal Catarrh."

On September 17, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17636. Misbranding of Vapo-Cresolene. U. S. v. 242 Bottles of Vapo-Cresolene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24552. I. S. No. 029619. S. No. 2817.)

Examination of samples of a drug product known as Vapo-Cresolene from one of the herein described interstate shipments having shown that the labels of the article bore certain curative and therapeutic claims that were not justified by its composition, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On March 6, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 242 bottles of Vapo-Cresolene, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Vapo-Cresolene Co., New York, N. Y., in part on or about December 14, 1929, and in part on or about February 15, 1930, and had been transported from the State of New York into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cresylic acid with small amounts of water and coal-tar neutral oil.

It was alleged in the libel that the article was misbranded in that the following statements borne on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Treatment for whooping cough, spasmodic croup, nasal catarrh * * * sore throat, bronchitis, bronchial complications of measles, bronchial asthma and hay fever;" (carton label) "A vapor treatment for Whooping Cough, Spasmodic Croup, Bronchial Asthma, Coughs * * * Bronchitis, Influenza * * * The use of vaporized antiseptics for certain inflammatory diseases of the air passages is a well recognized and valuable method of treatment. * * * The air passages are then penetrated by the restorative vapor with every breath. Cresolene has been used since 1879 for the relief of the diseases for which it is recommended. * * * for the relief of the paroxysms of Whooping Cough, Spasmodic Croup, Bronchial Asthma, Hay Fever, Influenza. For Nasal Catarrh, Sore Throat, Coughs * * * Bronchitis and the bronchial complications of Measles. Vaporized Cresolene is a protection to those necessarily exposed to communicable diseases. * * * for use about the body as in the washing of * * * boils, * * * etc.;" (circular label) "For Whooping Cough, Spasmodic Croup, Bronchial Asthma, * * * Coughs, Bronchitis * * * The liquid is vaporized * * * is carried through every passage, tube and cell of the breathing organs and produces a direct action on the very seat of the disease. * * * is an important means of surely and readily treating many bronchial troubles and of bringing specific antiseptics to act upon and stop the growth of the germs of disease. * * * it has obtained a prominent position in the treatment of Whooping Cough and Spasmodic Croup, it has also been found effective in treating other bronchial and nasal diseases, viz: Bronchitis, Coughs, Bronchial Asthma,