

it did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of Florida the shipment herein described, involving a quantity of the product at Tampa, Fla.

On April 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 bottles of Jones' liniment, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by M. Spiegel & Sons (Inc.), from Albany, N. Y., on or about January 31, 1931, and had been transported from the State of New York into the State of Florida, 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 a petroleum product such as kerosene, capsicum oleoresin, and volatile oils such as methyl salicylate, camphor oil, mustard oil, and an oil similar to turpentine oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels and in the accompanying circular, 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: (Carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * * It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * * A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * * If after using it a few times the pains are still lingering, apply to the affected part a cloth wrung in hot water and afterwards the Liniment is applied until relief is experienced;" (bottle) "For * * * Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic and All Bodily Pains. * * * This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * * In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * * Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * * For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * * For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to the back of the neck and ears. * * * For Nervous Headache, apply Jones' Liniment to the forehead, back of the neck, behind the ears, and inhale the fumes. For Sciatica, * * * For Sore Throat and Quinsy * * * For Earache, * * * For * * * Swellings * * * For Pains in Chest and Lungs * * * For Bunions * * * For Corns * * * For * * * weak Joints and Ankles * * * For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * * For the Flu, Cough * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On May 27, 1931, 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.*

18353. Adulteration and misbranding of Cato Anti-Pyorrhea tooth paste. U. S. v. 3¾ Dozen Tubes of Cato Anti-Pyorrhea Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25759. I. S. No. 8139. S. No. 3983.)

Examination of the composition and labeling of the drug product herein described having shown that it was represented to be an antiseptic and germicide, whereas it was not, also that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On January 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3¾ dozen tubes of Cato Anti-Pyorrhea tooth paste at Memphis,

Tenn., alleging that the article had been shipped by the Cato Chemical Co., from St. Louis, Mo., on or about January 13, 1930, and had been transported from the State of Missouri into the State of Tennessee, and charging adulteration and 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 calcium carbonate, potassium chlorate, talc, a small proportion of a magnesium compound, such as magnesium carbonate, incorporated in a vehicle so as to form a paste, flavored with volatile oils including peppermint oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Germicide, Antiseptic," and the strength of the article fell below such professed standard, since it was not an antiseptic.

Misbranding was alleged for the reason that the statements on the tube and carton, "Antiseptic, * * * All diseases the Human System is heir to are caused by germs or microbes. Cato Anti-Pyorrhea Tooth Paste is a Germicide, Antiseptic," were false and misleading when applied to an article which was not antiseptic. Misbranding was alleged for the further reason that the following statements appearing on the carton and tube, 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: (Carton) "Anti-Pyorrhea * * * For Sore and Bleeding Gums or any Pathological condition of the Mouth. To prevent a healthy mouth from becoming infected;" (tube) "Anti-Pyorrhea * * * especially designed for (Pyorrhea) Gums. To harden sore, soft, spongy and bleeding gums and protect a healthy mouth from becoming infected."

On May 12, 1931, 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.*

18354. Misbranding and alleged adulteration of Le Sieur's syrup of tar and cod-liver extract. U. S. v. 10 Dozen Bottles of Le Sieur's Syrup of Tar and Cod Liver Extract. Default decree of condemnation and destruction. (F. & D. No 25253. I. S. No. 3127. S. No. 3440.)

Examination of a sample of the drug product herein described having shown that it was worthless as a source of the vitamins of cod-liver oil, and that the bottle and carton labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Hampshire.

On November 5, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen bottles of Le Sieur's syrup of tar and cod-liver extract, remaining in the original unbroken packages at Berlin, N. H., alleging that the article had been shipped by the Nemock Specialty Co., from Somerville, Mass., on or about December 30, 1929, and had been transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and 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 chloroform, tar, menthol, a trace of an oily substance with a fishy odor, sugar, alcohol, and water. Biological examination showed that the article was worthless as a source of cod-liver-oil vitamins.

It was alleged in the libel that the article was adulterated in that its strength fell below the following standard under which it was sold: (Carton) "Cod Liver Extract * * * Each Fluid Ounce contains * * * Tasteless Extract of Cod Liver * * * [in English and French] this syrup contains the active principles of * * * cod liver extract;" (bottle, in English and French) "Cod Liver Extract."

Misbranding was alleged for the reason that the statements appearing on the bottle and carton labels, as above quoted, were false and misleading, since the article was worthless as a source of the vitamins of cod-liver oil. Misbranding was alleged for the further reason that the following statements in English and French, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Coughs * * *