

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Prophylactic * * * highly recommended by physicians as a preventative against infection and for the treatment of vaginal diseases and conditions such as Leucorrhoea (Whites), Vaginitis, Vaginal Discharges, disagreeable odors, inflammation, pain, tenderness and as a prophylactic against venereal diseases, and * * * Directions for Use * * * In Leucorrhoea, Vaginitis, and all conditions accompanied by discharges of any nature, insert a * * * twice daily at bedtime and on arising. As a prophylactic against venereal infection, insert a * * * few minutes before sexual congress. * * * For tenderness, inflammation and pains in vagina: One * * * is usually sufficient to relieve these conditions promptly and completely."

On June 10, 1931, 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.*

18670. Adulteration and misbranding of Muco-Solvent. U. S. v. 18 Bottles of Muco-Solvent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24786. I. S. No. 020818. S. No. 3154.)

Examination of a drug product, known as Muco-Solvent, showed that the labeling of the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The labels also represented that the article was a vegetable compound; that it contained no harmful drug and could be administered safely to the youngest infant; that it possessed antiseptic properties, and that it contained 18 per cent of alcohol; whereas it was not entirely a vegetable compound, it might produce harmful results, it was not antiseptic, and it contained more than 18 per cent of alcohol.

On June 2, 1930, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 bottles of Muco-Solvent at Detroit, Mich., alleging that the article had been shipped by the Van Vleet Co. (McKesson-Van Vleet-Ellis Corporation) from Memphis, Tenn., on or about March 29, 1930, and had been transported from the State of Tennessee into the State of Michigan, 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 salicylic acid, extracts of plant drugs, glycerin, alcohol, and water.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics. * * * It is made of Nature's remedies—leaves, herbs, roots, etc. * * * Measles * * * The specific action of Muco-Solvent upon the Mucous Membrane destroys the germ."

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics, * * * It is made of Nature's remedies—leaves, herbs, roots, etc. * * * It is a germicide in the use of which the bacilli is killed and the accumulated mass dissolved and disintegrated. It contains no * * * harmful drug, and may be safely administered to the youngest infant as well as to adults. * * * Its action is that of a * * * antiseptic. * * * It wins its victory by destroying the disease germs. * * * (page 11) Measles * * * The specific action of Muco-Solvent upon the Mucous Membrane destroys the germ;" (carton and bottle label) "Contents average 18 per cent alcohol." Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was not correct. Misbranding was alleged for the further reason that certain statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 15, 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.*

18671. Misbranding of Pycopé. U. S. v. 2 Dozen Cans of Pycopé. Default decree of destruction entered. (F. & D. No. 25473. I. S. No. 11364. S. No. 3723.)

Examination of a drug product, known as Pycopé, having shown that the label and circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Utah the interstate shipment herein described, involving a quantity of the product located at Ogden, Utah.

On December 15, 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 two dozen cans of Pycopé remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by McKesson-Langley & Michaels Co., from San Francisco, Calif., on or about November 15, 1930, and had been transported from the State of California into the State of Utah, 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 sodium chloride, sodium carbonate, sodium bicarbonate, borax, calcium carbonate, iron, aluminum and magnesium compounds, and flavoring materials.

It was alleged in the libel that the article was misbranded in that the following statements regarding the therapeutic and curative effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Can) "For Mouth Health * * * Hardens Soft and Bleeding Gums. * * * It saves the teeth;" (circular) "It Saves the Teeth * * * There is Little Excuse for * * * Pyorrhea * * * The dental profession recognizes Pyorrhea as a condition, followed by a complex infection. You can aid your dentist in relieving the condition and preventing the infection by using Pycopé Tooth Powder and Brush. Pyorrhea is a gum disease. You may have beautiful white teeth and yet have Pyorrhea. The correct use of Pycopé Tooth Powder and Brush promotes mouth health, by raising the Natural resistance to the infection. Brush your teeth and massage your gums with these products for three minutes twice each day. Pycopé Products are endorsed by many hundreds of progressive dentists. These authorities, whose knowledge is beyond question are your assurance of its effectiveness."

On August 20, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18672. Adulteration and misbranding of ether. U. S. v. Eighty 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to Federal agency for technical use. (F. & D. No. 26220. I. S. Nos. 11826, 11827. S. No. 4536.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On April 13, 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 eighty 1-pound cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Merck & Co. (Inc.), from St. Louis, Mo., on or about January 24, 1931, and had been transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, since it contained peroxide.