

praying seizure and condemnation of 91 packages of Dr. Welters' tooth powder, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by the E. A. Welters Tooth Powder Co., from Jacksonville, Fla., on or about May 8, 1931, and had been transported from the State of Florida into the State of Texas, 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, alum, soap, and peppermint oil. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of antiseptic under which it was sold.

Misbranding was alleged for the reason that the statement on the carton label, "Antiseptic Tooth Powder \* \* \* This preparation is not adulterated or misbranded within the meaning of the Pure Food and Drugs Act, June 30th, 1906," was false and misleading, since the article was adulterated and misbranded within the meaning of the food and drugs act. Misbranding was alleged for the further reason that the statement on the can label and in the circular, "Antiseptic Tooth Powder," was false and misleading, since the article did not possess antiseptic properties. Misbranding was alleged for the further reason that the following statements, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Tender Bleeding Gums Preventing Pyorrhea;" (circular) "Bleeding Gums Danger Signal of Pyorrhea! \* \* \* Dr. Welters' Antiseptic Tooth Powder Heals and Hardens Bleeding Gums. This dentifrice is universally recognized as the most Efficacious Preparation known to dental science for Healing and Hardening Tender and Bleeding Gums. It is Unexcelled for \* \* \* Preventing Pyorrhea. \* \* \* The first symptoms or signs of pyorrhea are 'bleeding' and 'irritated' gums, which should be corrected immediately by consulting a dentist and using Dr. Welters' Antiseptic Tooth Powder, which is specially prepared for healing and hardening bleeding gums. \* \* \* The enamel is to the teeth what the outer layer of skin is to the body, and when impaired, the 'micro-organism' which is commonly known as the 'tooth germ' enters the tooth, and from this point decay begins. Dr. Welters' Antiseptic Tooth Powder \* \* \* Prevents Decay. \* \* \* The 'Cause of Decay in Teeth' and How to Prevent It \* \* \* by removing the constant germ formation from the teeth by the use of 'Dr. Welters' Antiseptic Tooth Powder,' applied with a good brush, morning, noon and before retiring. \* \* \* Do not wait until you are infected with 'Pyorrhea' before using a preventative. Start using Dr. Welters' Antiseptic Tooth Powder or Paste immediately as a 'Preventative' against the infection of this disease. It is prepared specially for Preventing Pyorrhea, Healing and Hardening Bleeding Gums."

On October 7, 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.*

**19032. Adulteration and misbranding of Kojene and misbranding of Kojenol. U. S. v. 24 Packages of Kojenol and 384 Packages of Kojene. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27059, 27060. I. S. Nos. 37905, 37906. S. No. 5226.)**

Examination of the labeling and composition of the drug products, Kojene and Kojenol, showed that the articles were represented to possess curative and therapeutic properties which, in fact, they did not possess. Examination of the Kojene also showed that the article contained less of the active ingredient, oxyquinoline sulphate ( $C_8H_8ON$ ),  $H_2SO_4$ , than represented in the labeling, and that it was not a powerful antiseptic when used in accordance with the directions printed upon the labeling.

On October 13 and October 14, 1931, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 packages of Kojenol, and 384 packages of Kojene, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the articles had been shipped in interstate commerce by the Kojene Products Corporation from Buffalo, N. Y., into the State of Pennsylvania, the former on or about November 28, 1930, and the latter on or

about April 21, 1931, and charging that the Kojenol was misbranded and the Kojene was adulterated and misbranded in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Kojenol consisted essentially of oxyquinoline sulphate (1.9 gram per 100 milliliters), a small proportion of resinous material and water; and that the Kojene consisted essentially of oxyquinoline sulphate (0.7 gram per 100 milliliters), and water, flavored with methyl salicylate. Bacteriological examination of Kojene showed that it was not antiseptic when used as directed on the labeling.

Adulteration of the said Kojene was alleged in the libel for the reason that it fell below the professed standard under which it was sold, namely, "Basic Constituent (C<sub>6</sub>H<sub>7</sub>ON), H<sub>2</sub>SO<sub>4</sub> In Aqueous Dilution 1:100."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Carton) "Basic Constituent (C<sub>6</sub>H<sub>7</sub>ON), H<sub>2</sub>SO<sub>4</sub> In Aqueous Dilution 1:100 \* \* \* Antiseptic Under Prolonged Contact as Hereon Stated \* \* \* Kojene is often recommended by physicians and dentists as a mouth wash and a gargle for the throat as well as a spray for the nose;" (bottle) "Basic Constituent (C<sub>6</sub>H<sub>7</sub>ON), H<sub>2</sub>SO<sub>4</sub> In Aqueous Dilution 1:100 \* \* \* Antiseptic Under Prolonged Contact as Hereon Stated \* \* \* As a gargle use 1 part Kojene to 5 parts water. \* \* \* Spray for the Nose. \* \* \* For Use in the Mouth: \* \* \* use 1 part Kojene and 5 parts luke-warm water. Hold this solution in the mouth for a minute or two, \* \* \* Bad Breath: Use as a mouthwash \* \* \* Douche: Three tablespoonfuls of Kojene in 1 quart warm water;" (circular) "Kojene is a powerful, non-poisonous, Antiseptic. Medical authorities say that its active principle has greater power to prevent germ infection than Bichloride of Mercury or Carbolic Acid \* \* \* Although I have tried other Antiseptics, I find Kojene is the safest, best and most effective. \* \* \* For many years, women have been told that in order to secure protection against germ infection, they must use Bichloride of Mercury, Carbolic Acid, or some other poison. \* \* \* Remember the active principle of Kojene has Greater Power to Prevent or Arrest Germ Infection than Carbolic Acid, yet it is Non-Poisonous and Absolutely Safe. \* \* \* Kojene used as directed \* \* \* 3 tablespoonfuls to 1 quart of warm water." Misbranding was alleged with respect to both products for the reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Kojene, circular) "Kojene Protects Your Health and Life \* \* \* 'Medical authorities tell us that 85 out of every 100 diseases from which folks suffer are caused by germs. To destroy these germs and prevent them from doing harm, Science has give us antiseptics and Germicides. For instance, if your skin is scratched, cut or bruised, these deadly germs instantly invade the exposed tissue and failure to quickly stop germ development may prove fatal. Likewise, germs in a sore throat or mouth may produce diphtheria, tonsillitis, quinsy and other serious ailments, requiring the prompt attention of your family doctor. To be safe Always Have a Dependable Antiseptic Ready for Instant Use. Delays Are Dangerous.' \* \* \* Kojene \* \* \* It is used and prescribed by thousands of Physicians and Dentists for the relief of sore throat, bad tonsils, troublesome skin affections, \* \* \* sores, \* \* \* and prevent germ infection. \* \* \* to heal \* \* \* bleeding gums and keep the mouth in a healthy condition. \* \* \* Gargle for Sore Throat—Bad Tonsils Ordinary sore throat and inflamed tonsils will be promptly relieved by using Kojene as a Gargle. \* \* \* Catarrhal Conditions of Nose and Head \* \* \* Itching of Eczema and Common Skin Affections \* \* \* to keep the gums and tissues of the mouth in a clean, normal condition, use 1 part Kojene and 5 parts luke warm water \* \* \* Prevents any unsightly Sores, Pimples or Redness. \* \* \* Thousands of Physicians and Dentists use and recommend Kojene for sore throat, bad tonsils, catarrhal conditions, \* \* \* various skin troubles, \* \* \* heal bleeding gums, \* \* \* a safe, dependable Antiseptic and its power to prevent or arrest germ infection when used as directed is vouched for by many medical authorities. \* \* \* 'Kojene I don't want him to be without its great protection.' \* \* \* 'I have been bothered with a skin eruption all my life and never secured permanent relief until I used Kojene' \* \* \* 'It protects us

all' \* \* \* For the Protection of Yourself—Your Children—Your Family \* \* \* Kojene Gives Security;" (Kojenol, bottle) "A Guaranteed treatment for Pyorrhoea and other diseased conditions of the mouth \* \* \* Use as a mouth wash after each meal, adding ½ teaspoonful Kojenol to ¼ glass of warm water. \* \* \* Just Before Retiring, wind a piece of cotton around the end of a toothpick, saturate with Kojenol full strength, and work in thoroughly between the teeth, and around the gums at the 'danger line,' where the teeth and gums unite. Continue treatment for 30 days or until every trace of the disease has disappeared;" (Kojenol, carton) "Kojenol is a non-poisonous antiseptic and germ destroyer having a marked efficiency in the destruction of the micro-organisms found in advanced cases of Pyorrhoea and Trench Mouth. Applied as directed by your dentist, it will be found very helpful in the treatment of bleeding, receding gums, to relieve the soreness of gum tissue and make teeth firm in the sockets. \* \* \* To Those Who Suffer from Pyorrhoea Kojenol has been specially created as an efficient aid to the Dental Profession in the treatment of Pyorrhoea. Use as directed \* \* \* Kojenol will destroy the bacteria that cause Pyorrhoea and be helpful in restoring the gums and teeth to a normal condition. \* \* \* A Special Dental Formula for the treatment of \* \* \* Pyorrhoea \* \* \* You may use and recommend Kojenol for your patients with the assurance that it will prove highly efficient in the treatment of Pyorrhoea Alveolaris, Trench Mouth, Stomatitis and the elimination of pus conditions;" (Kojenol, circular) "You, too may have Beautiful Teeth Free from the Germs that Cause Pyorrhoea by the Daily Use of Kojenol. Pyorrhoea A Disease to Fear Medical and dental authorities tell us that four out of every five people over forty years of age have Pyorrhoea in one form or another; and the seepage of pus into the system from pus pockets that form underneath the gums in the soft tissue of the teeth, cause, or may cause, Kidney Trouble, Intestinal Ulcers and other ills of a serious nature. These same authorities agree that Pyorrhoea is the result of bacterial infection. You cannot avoid the ills that come from, and that are a result of, Pyorrhoea unless you destroy the germs that cause this dread disease. It is easy to recognize the symptoms of pyorrhoea even in its early stages. First, the gums become tender and bleed easily when the teeth are brushed. Next tartar forms around the gum margin with pus exuding from the gums upon slight pressure. At this stage the gums shrink away from the teeth, the teeth become loose and if the ravages of Pyorrhoea are not checked the teeth will fall out. \* \* \* How Pyorrhoea May Be Checked. At last science has given us a product that will destroy Pyorrhoea germs without injuring the tissues of the mouth or gums. Its name is Kojenol, a powerful concentrate antiseptic, specially created for the treatment of Pyorrhoea and other diseased conditions of the mouth. \* \* \* While Kojenol is specially created for the purpose of destroying Pyorrhoea germs, bear in mind this important fact: When pus pockets have formed underneath the gums in the soft tissue of the tooth, neither Kojenol nor any other product can destroy germs lodged in inaccessible places. To effectually treat Pyorrhoea pus pockets must be cleaned and all scale removed from the teeth by your dentist. After this has been done Kojenol, used as directed, will stop bleeding gums, make the teeth firm in the sockets and restore the tissues of the mouth to a healthy condition. What a Famous Health Authority Says about Mouth Infections. 'Mouth infections are claimed to be responsible for a multitude of ills. These ailments begin with shifting pains and end with helpless invalidism. Heart Disease, Rheumatism, Joint Disturbances, Ulcers of the Stomach, Kidney Disease, Changes in the Blood, Intestinal Irregularities, Appendicitis, Increased or Decreased Blood Pressure, Diabetes, Failing Eyesight, Neuritis, Brain Disease—all have been attributed to mouth infection. Kojenol is specially created to check the ravages of Pyorrhoea, Bleeding, Receding and Tender Gums, tighten the teeth, destroy disease breeding bacteria in the mouth and stop the pus formation that are so often the cause of the above mentioned ailments. \* \* \* 'You may say for me that I believe Kojenol to be the most efficient treatment for Pyorrhoea, the profession has ever known.' \* \* \* Ask Your Druggist for Kojenol and Protect Your Teeth from Pyorrhoea Germs."

On January 5, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*