

whereas it did not, but did consist in part of peach kernel oil and apricot kernel oil; and for the further reason that it was an imitation of, and was offered for sale and sold under the name of another article, namely, oil sweet almond.

Misbranding of the oil eucalyptus was alleged for the reason that the statement "Oil Eucalyptus Globulus", borne on the label, was false and misleading, since it represented that the article consisted wholly of oil of eucalyptus, whereas it did not, but did consist in part of saffrol; and for the further reason that the article was an imitation of and was offered for sale and sold under the name of another article, namely, oil eucalyptus globulus.

Adulteration of the said coloring substances was alleged for the reason that sugar had been mixed and packed with the Carnatine red and Manderine orange shade, and acetanilid had been mixed and packed with the coumarin, so as to reduce and lower and injuriously affect the quality and strength of the articles, and had been substituted in part for the said articles.

Misbranding of the said coloring substances was alleged for the reason that the statements "Carnatine Red Certified", "Manderine Orange Shade Certified", and "Coumarine C. P.", borne on the labels, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the so-called Carnatine red certified and Manderine orange shade certified were not certified colors, and did not consist wholly of said coloring substances, but did consist in part of sugar, and the said coumarin C. P., did not consist wholly of coumarin C. P., but did consist in part of acetanilid. Misbranding of the said coloring substances was alleged for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the said coumarin C. P., was alleged for the further reason that it contained acetanilid and the label failed to bear a statement of the quantity and proportion of acetanilid contained therein.

On August 24, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$800.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20729. Misbranding of Zenar remedies. U. S. v. 5 Packages of Zenar No. 24 Whooping Cough Remedy, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 28660 to 28669, incl. Sample nos. 918-A, 920-A to 925-A, incl., 1119-A, 1122-A, 1123-A.)

These cases covered shipments of several proprietary medicines under the trade name "Zenar", variously numbered and each labeled as a remedy for a particular disease or ailment, e. g., "Zenar No. 24 Whooping Cough Remedy", etc. Analysis showed that the articles contained no ingredients or combinations of ingredients effective as remedies for the diseases for which they were put out.

On August 25, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 74 packages of Zenar remedies. The libel charged that the articles had been shipped in interstate commerce; that the shipments covered a period from February 26, 1931, to June 27, 1932; that they had been shipped by the Bika Biochemical Laboratories, from Philadelphia, Pa., to Los Angeles, Calif., where they remained in the original, unbroken packages, and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Zenar No. 24 consisted of tablets composed of milk sugar, small proportions of extracts of plant drugs, sulphur (approximately 0.3 percent), and other inorganic material including magnesium, sodium and potassium phosphates and sulphates (0.2 percent); Zenar No. 26 consisted of tablets composed of milk sugar, sulphur (0.03 percent), small proportions of other inorganic material including sodium, potassium, and calcium sulphates and phosphates (0.3 percent), and a trace of an arsenic compound; Zenar No. 3 consisted of tablets composed of milk sugar, sulphur (0.02 percent), and other inorganic material including sodium, potassium, calcium, and iron sulphates and phosphates (0.2 percent); Zenar No. 19 consisted of tablets composed of milk sugar, sulphur (0.03 percent), and other inorganic substances including sodium, potassium and barium phosphates (0.1 percent); Zenar No. 18 consisted of tablets composed of milk sugar, sulphur (0.03 percent), other inorganic substances including sodium, potassium and calcium phosphates (0.1 percent), and a trace of an arsenic compound; Zenar No. 15 consisted of tablets composed of milk sugar,

sulphur (0.02 percent), and small proportions of other inorganic material including sodium, potassium, calcium, manganese, and iron phosphates and chlorides; Zenar No. 8 consisted of tablets composed of milk sugar, sulphur (0.04 percent), and other inorganic material including sodium, potassium and iron sulphates and phosphates (0.17 percent); Zenar No. 21 consisted of tablets composed of milk sugar, sulphur (0.03 percent) and other inorganic material including calcium phosphate (0.15 percent) and a trace of a silver compound; Zenar No. 5 consisted of tablets composed of milk sugar, sulphur (0.03 percent), and other inorganic material including calcium, magnesium, sodium, potassium, and iron sulphates, carbonates, phosphates and chlorides (0.3 percent); and Zenar No. 4 consisted of tablets composed of milk sugar, sulphur (0.02 percent), and other inorganic material including potassium, calcium and iron phosphates (0.25 percent).

It was alleged in the labels that the articles were misbranded in that the following statements on the packages, regarding their curative or therapeutic effects, were false and fraudulent: (Zenar No. 24) "Whooping Cough Remedy"; (Zenar No. 26) "Diabetes Remedy"; (Zenar No. 3) "Remedy for Women's Diseases"; (Zenar No. 19) "Glands and Goitre Remedy"; (Zenar No. 18) "Heart Remedy"; (Zenar No. 15) "Hardening of arteries Remedy"; (Zenar No. 8) "Rheumatism and Arthritis Remedy"; (Zenar No. 21) "Weak Nerves (impotency) Remedy"; (Zenar No. 5) "Pulmonary and Lung Remedy"; (Zenar No. 4) "Nerve and Bladder Remedy."

On April 3 and April 5, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20730. Misbranding of Frick's Eez-All. U. S. v. 67 Bottles and 17 Bottles of Frick's Eez-All. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29593. Sample no. 2261-A.)**

Examination of the drug preparation, Frick's Eez-All, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 15, 1932, the United States attorney for the District of Colorado, 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 67 six-ounce bottles and 17 quart bottles of Frick's Eez-All, remaining in the original unbroken packages at Denver, Colo., consigned by Adolph F. Frick, alleging that the article had been shipped in interstate commerce, on or about July 26, 1930, from San Francisco, Calif., to Denver, Colo., 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 small proportion of extracts of plant drugs, alcohol (16 percent by volume), and water. Bacteriological examination showed that the article was not a germicide.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding its curative or therapeutic effects, were false and fraudulent: "Tissue Builder, Skin Purifier \* \* \* for \* \* \* pimples, boils, carbuncles, \* \* \* hives, \* \* \* granulated eyelids, stys, barber's itch, weeping eczema, dandruff, \* \* \* bleeding and receding gums, pyorrhea, rheumatism, goitres, varicose veins."

On February 13, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20731. Misbranding of Silver Pine Healing oil. U. S. v. 48 Bottles of Silver Pine Healing Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28684. Sample no. 7162-A.)**

Examination of the drug preparation, Silver Pine Healing oil, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On or about August 16, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture,