

gums, moisten tooth brush with Nofal (instead of water) using any good tooth paste. Apply 2 or 3 times a day." 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 declaration appeared inconspicuously upon the back label.

On May 31, 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.*

20949. Misbranding of Dr. Simmons' silver and mercury. U. S. v. 9 Bottles of Dr. Simmons' Silver and Mercury. Default decree of condemnation and destruction. (F. & D. no. 28818. Sample no. 13692-A.)

Examination of the drug preparation, Dr. Simmons' silver and mercury, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in circulars shipped with the article.

On September 29, 1932, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 bottles of the said Dr. Simmons' silver and mercury at Mesa, Ariz., alleging that the article had been shipped in interstate commerce on or about June 30, 1932, by the S. M. Laboratories, Inc., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The curative and therapeutic claims were borne on a carton and were contained in three different leaflets or pamphlets, one or more of which accompanied each package.

Analysis of a sample of the article by this Department showed that it consisted essentially of water containing colloidal silver and mercury, stabilized by a protein.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "'SM' is * * * used for the treatment of certain diseases of the genito-urinary tract. * * * deeply penetrating"; (green leaflet entitled "To the Public") "Richard H. Simmons, M. D., Diseases of The Genito-Urinary Tract. To the Public: I have found in practice and hope to benefit the entire populace with my findings, a treatment for the relief of pain, irritation, etc., culminating in purulent discharges. The treatment of purulent discharges is indeed simple if the correct preparation is administered. Beyond all doubt, I have found a preparation of exceptional merit that is so positive in results that I recommend it not only to the patient, but also to the physician. With care, the patient will obtain remarkable results by self-administration. There is no possible chance of injury to the urethra or prostate gland as caused by many preparations self-administered. By treatment in your own privacy, you alone are aware of your misfortune. * * * truly a discovery of note in Materia Medica, and as such, warrants utmost confidence. We sincerely believe that with full cooperation in following the directions carefully, you will obtain better results than through the use of any other form of treatment. * * * Directions for the use of 'SM' Liquid. First, urinate before using 'SM', and not for an hour after injection of 'SM.' * * * These injections are to be made three or four times daily, Not oftener. Do Not dilute 'SM.' Use full strength. Third, use in same way for a week to ten days after discharge ceases. During this period it is advisable to gently massage while medicine is being held in canal. * * * In order to get the results you expect, you must assist nature, which you can do by observing the following instructions. * * * For the Protection of Humanity. A preponderance of the ills to which the inhabitants of this earth are heir, are the result of lack of knowledge, the old adage, 'An ounce of prevention is worth a pound of cure,' still holds good. Various 'SM' Products have been conceived to fill a very definite need. For recommended purposes, comparative clinical laboratory tests and observation cases indicate they have no equal"; (yellow leaflet entitled, "Directions 'SM' Prophylactic") "Should you neglect to properly safeguard yourself and become infected, use 'SM' Liquid immediately. With each bottle, complete directions—how to avoid complications and achieve desired results. * * * 'SM' Liquid—For the Treatment of Purulent Discharges"; (pamphlet) "A Reprint of a Confidential Bulletin to the Medical Profession." The portion of this pamphlet which refers to 'SM' (first 14½ pages) was false and fraudulent almost in its

entirety since it offered the product as a treatment for "Gonococccous and Mixed Gonococccous Infections."

On October 24, 1932, no claimant having appeared for the property, judgment of condemnation 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.*

20950. Misbranding of Santal Midy. U. S. v. 69 Packages, et al., of Santal Midy. Default decrees of forfeiture and destruction. (F. & D. nos. 27664, 27818, 27902. I. S. nos. 38997, 39085, 48036, 48037. Sample nos. 5686, 5906, 5923.)

Examination of the drug preparation Santal Midy disclosed that it contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circulars shipped with the article.

On January 15, March 8, and March 11, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States libels praying seizure and condemnation of 183 bottles of Santal Midy at Boston, Mass., alleging that the article had been shipped in interstate commerce, in part on or about December 7, 1931, January 27, January 30, and February 26, 1932, by E. Fougera & Co., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Santal Midy * * * Laboratoire De Pharmacologie, Inc. New York * * * Distributors E. Fougera, & Co. Inc. New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of santal oil in gelatin capsules.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular, were false and fraudulent: (Circular) "To sufferers from Bladder and Kidney Irritations. * * * recent or chronic irritations of the mucous membranes of the bladder and the kidney passages. * * * a disinfectant * * * on mucous membranes, especially on those of the sensitive bladder and kidney passages. * * * Therapeutic uses * * * in the treatment of certain forms of chronic inflammation or Catarrh of the bladder, the kidneys and their passages or outlets. * * * cystitis, sore or irritable bladder, manifested by urgency, frequent or painful micturition in the daytime, straining or burning pain from the bladder, often followed by a scalding, smarting or highly colored, sometimes turbid, muddy or even milky looking bladder fluid, at times even with a foul ammoniacal odor. * * * incontinence or tiresome getting up at night due to lack of control, which symptom is found so prevalent among many elderly people * * * persistent pains or discomforts in the small of the back along the kidney region * * * take Santal Midy regularly * * * to help nature do its work of allaying the inflammation and rebuilding the damage. * * * sore mucous membranes, * * * acting internally as a * * * disinfectant * * * to the broken down, inflamed membranes. * * * In case these capsules might cause a slight gastric disturbance * * * as they are otherwise harmless. * * * Directions Repeated and continued taking of these capsules is essential for early relief and soothing action upon the inflamed mucous membranes, during the process of elimination. For recent cases of bladder or kidney inflammation, take one capsule every hour with water as indicated, until 10 to 12 have been taken during the day. Later on reduce the quantities taken as required. For chronic cases where the symptoms have largely subsided, take one capsule every three hours, until 5 to 6 have been taken during the day [similar statements in foreign languages]."

On January 26, 1932, the Laboratoire De Pharmacologie, Inc., New York, N.Y., filed a claim and an answer to the libel filed January 15, against 69 packages of the product, denying the misbranding charge and praying dismissal of the libel. The claimant, however, failed to appear and defend the action. No appearance was entered in the remaining cases. On March 6, 1933, decrees were entered ordering that the product be forfeited and destroyed.

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