

On July 3, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of Bromo Paper at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about April 8, 1933, by the Diamond Mills Paper Co., from New York, N.Y., 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 of tissue paper impregnated with a small proportion of mineral oil and a very small proportion of phenol.

It was alleged in the libel that the article was misbranded in that the statement on the label and circular, regarding the curative or therapeutic effect of the article, "A Positive Preventive of that most distressing and almost universal complaint, the Piles", was false and fraudulent.

On July 25, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21209. Misbranding of Eyetex. U. S. v. 194 Boxes of Eyetex. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30413. Sample no. 35480-A.)

Examination of the drug preparation Eyetex disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and envelop container.

On May 5, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 194 boxes of Eyetex at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 3, 1932, by the Mills Sales Co., from New York, N.Y., 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 table salt, baking soda, and borax with small proportions of thymol, sodium benzoate, sodium salicylate, and hydrastine, colored yellow.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent; (Carton) "Eyetex"; (envelop) "Eyetex An antiseptic to the eye Directions for using Moisten Eyetex pads well with warm water then place over eyes and fasten securely by tying strings at back of head. * * * For relief in severe cases of Granulated, Red or Inflamed eyes, Styes and Eyestrain, best results will be obtained by using Eyetex before retiring and allowing to remain on eyes until morning. * * * Eyetex used for one hour while resting will bring back the lustre and beauty to Tired, Drawn and bloodshot eyes. * * * Eyetex is a quick and efficient treatment."

On June 16, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21210. Misbranding of Alberty's Calcatine and Alberty's Liver Cell Salts (Alberty's Lebara Organic Pellets). U. S. v. 96 Dozen Packages of Alberty's Calcatine, et al. Consent decrees of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. nos. 30385, 30386, 30457, 30458. Sample nos. 34867-A to 34871-A, incl.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 1 and May 12, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 156 dozen packages of Alberty's Calcatine, 30 dozen packages of Alberty's Liver Cell Salts, and 30 dozen bottles of Alberty's Lebara Organic Pellets, formerly Liver Cell Salts, at Philadelphia, Pa. It was alleged in the libels that the articles had been shipped in interstate commerce, in part from Hollywood, Calif., and in part from Los Angeles, Calif.; that the shipments had been made between the dates of March 25, 1932, and March 25, 1933, by U. S. Okey; and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Albery's Calcatine consisted of tablets composed essentially of milk sugar with 0.06 percent of inorganic material, principally calcium salts, phosphate, and traces of sodium, potassium, iron, magnesium, and chlorine compounds; and that the Albery's Lebara Organic Pellets, formerly Liver Cell Salts, consisted essentially of milk sugar with 0.04 percent of inorganic material, principally calcium salts, phosphate, and traces of sodium, potassium, iron, magnesium, and chlorine compounds.

The libels alleged that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Bottle label of portion of Calcatine) "Cell and Tissue Salts * * * Chief Remedy for the Growing Organism and for Correcting Constitutional Defects Uses—Acidosis, indigestion, calcium starvation, diarrhea, brain irritation, teething children. A Tonic after acute diseases and for constitutional weaknesses, emaciation, bone diseases, scrofulous and tubercular tendencies"; (bottle label of portion of Calcatine) "Especially useful in Calcium Deficiency * * * Aids acidosis * * * teeth, bones, etc."; (bottle label of Liver Cell Salts) "Liver Cell Salts For Malarial Disorders Biliousness and Diseases of the Liver Uric Acid Diathesis Uses—Ailments marked by excessive secretions of bile and derangement of the liver, gravel, sand in the urine, biliousness, headache and vomiting of the bile, bitter taste, diabetes, trouble arising from living in damp places, malaria, gout"; (bottle label of Albery's Lebara Organic Pellets) "Organic Pellets Formerly Liver Cell Salts Aids Acidosis, Dormant Liver, Bile Secretions Clearing the Complexion."

On June 8, 1933, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that they be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21211. Misbranding of Pine-O-Sol. U. S. v. Purity Chemical Products Co. Plea of guilty. Fine, \$10. (F. & D. no. 29393. I. S. no. 22994.)

Examination of the product Pine-O-Sol disclosed that it contained no ingredient capable of producing certain curative and therapeutic effects claimed on the label. It also was represented that the article was an antiseptic, and was 100 percent active: whereas it was not an antiseptic, and it contained inert ingredients.

On March 27, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Purity Chemical Products Co., a corporation, Santa Rosa, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 29, 1931, from the State of California into the State of Oregon, of a quantity of Pine-O-Sol which was misbranded. The article was labeled in part: "Pine-O-Sol A Healing and Antiseptic Spray for Poultry. Useful in the Treatment of Colds, Bronchitis, Influenza, Roup, Canker, Chicken Pox and Diphtheria Active Ingredients 100% Inert 0% * * * Purity Chemical Products Co."

Analysis of a sample of the article by this Department showed that it consisted of mineral oil (61 percent) and pine oil, (39 percent). Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was misbranded in that certain statements on the label falsely and fraudulently represented that it was effective as a treatment for colds, bronchitis, influenza, roup, canker, chicken pox, and diphtheria in poultry, and effective as a healing and antiseptic spray for poultry. Misbranding was alleged for the further reason that the statements, "Pine-O-Sol * * * Antiseptic * * * Active Ingredients 100% Inert 0%", borne on the label, were false and misleading, since the article was not derived essentially from pine oil, but was a product composed in large part of mineral oil, it was not an antiseptic, and did not consist of 100 percent active ingredients, and contained inert ingredients.

On May 16, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*