

district court a libel praying seizure and condemnation of 87 bottles of chloroform for anesthesia at San Francisco, Calif., alleging that the article had been shipped in interstate commerce in the year 1937 from Bristol, Tenn., by the S. E. Massengill Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be 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 the pharmacopoeia, and its own standard was not stated on the label.

On January 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28328. Misbranding of Minto-San Mint Formaldehyde Spray. U. S. v. Huntington Laboratories of Colorado, Inc. Plea of guilty. Fine, \$100. (F. & D. No. 39818. Sample No. 41187-C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On November 18, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Huntington Laboratories of Colorado, Inc., Denver, Colo., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on or about May 3, 1937, from the State of Colorado into the State of Utah of a quantity of Minto-San Mint Formaldehyde Spray which was misbranded. The article was labeled in part: "Manufactured and Guaranteed by Huntington Laboratories of Colorado, Inc. * * * Denver, Colorado."

Analysis of a sample of the article showed that it consisted of formaldehyde, soap, oil of spearmint, water, and green coloring matter.

It was alleged to be misbranded in that statements, designs, and, devices appearing on the label falsely and fraudulently represented that it was effective as a corrective medium for pathological and bacteriological disturbances, and effective to have a soothing effect on the throat and nostrils and to greatly relieve coughing and sniffing.

The information alleged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1601, published under that act.

On December 16, 1937, a plea of guilty having been entered, the defendant was sentenced to pay a fine of \$100 for violation of the Food and Drugs Act, and \$200 for violation of the Insecticide Act of 1910.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28329. Misbranding of Fairey Oil and Fairey's Famous Long Life Liquid. U. S. v. Fairey Wholesale Drug Co. and Edison A. Fairey. Plea of guilty. The corporation was fined \$15 and the individual was fined \$10. (F. & D. No. 39780. Sample Nos. 16149-C, 16150-C.)

The labeling of these products bore false and fraudulent representations regarding their therapeutic and curative effects.

On October 12, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairey Wholesale Drug Co., a corporation, Orangeburg, S. C., and Edison A. Fairey, an officer of the corporation, alleging that within the 3 years immediately preceding the filing of the information, the said defendants delivered to J. Lagarre Phillips, a duly authorized agent, a quantity of Fairey's Famous Long Life Liquid, that the said agent subsequently transported the article from the State of South Carolina into the State of Georgia; that on or about January 26, 1937, the defendants shipped from the State of South Carolina into the State of Georgia a quantity of Fairey Oil, and that the articles were misbranded in violation of the Food and Drugs Act as amended. They were labeled in part: "Fairey Wholesale Drug Co."

Analyses of samples of the articles showed that Fairey's Famous Long Life Liquid consisted of a water-glycerin solution of plant extractives, including emodin-bearing drugs, with a small amount of sodium benzoate; and that the Fairey Oil consisted of a mixture of turpentine and methyl salicylate dyed with a green dye like chlorophyll; and that it was not an antiseptic and would not prevent infection.

Fairey's Famous Long Life Liquid was alleged to be misbranded in that statements borne on the labeling falsely and fraudulently represented that it was capable of so affecting the blood, stomach, nerves, kidneys, liver and bladder as to be conducive to longevity; that it was curative and remedial when used in the treatment of indigestion, bad breath, and sick headache; that it was productive of a tonic effect on the kidneys and bladder, and would aid in correcting disorders of those organs that impaired their normal functions; and that it was capable of eliminating impurities from the blood and prolonging human life.

The Fairey Oil was alleged to be misbranded in that statements appearing in the labeling falsely and fraudulently represented that it was effective to relieve neuralgia, rheumatism, toothache, headache, stiff neck, lame back, sore throat, cold in chest, pains in the head, side, stomach, feet, limbs, shoulders, and all parts of the body, that it was curative and remedial for cramps, colic pain in the stomach, sore throat, and a hacking cough, if and when administered as directed in the statements; that it was an antiseptic healing oil and was preventive of infection, and that its efficacy as such preventive was equal to that of iodine, peroxide of hydrogen, or bichloride of mercury, and that its absolute harmlessness rendered it superior as a preventive over those drugs; that it was preventive of infection when poured on cuts, scratches, mosquito bites, and flea bites; that it would take the soreness out of bunions, relieve aching feet, stiff joints, stiff muscles, and all aches and pains; that it was curative of rheumatism when used as directed in the statements; that it would relieve at once from coughs and aches and pains in the chest when rubbed on the chest; that it was curative of cramps and colic when used as directed, that it was efficacious as a pain killer and possessed novelty as such by reason of its "wonderful penetrating quality" which had been proved by the discovery of its presence in the urine after rubbing with the article; that it was capable of curing common sore throat in one night when used as directed in the statement; that it was effective as an antiseptic and germicide in the treatment of common sore throat; and that inhalation of the fumes and vapor of the article would combat the germs of flu.

On November 15, 1937, pleas of guilty having been entered by the defendants, they were sentenced to pay fines in the total amount of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28330. Misbranding of Midland Hospital Germolyptus. U. S. v. Midland Chemical Laboratories, Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 39841. Sample No. 45756-C.)

The labeling of this product bore false and misleading statements regarding its effectiveness as a disinfectant, germicide, and antiseptic, and failed to bear a statement of the quantity of alcohol contained therein.

On December 7, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Midland Chemical Laboratories, Inc., alleging shipment in violation of the Food and Drugs Act by the said defendant on or about July 1, 1937, from the State of Iowa into the State of Minnesota of a quantity of Midland Hospital Germolyptus which was misbranded. The article was labeled in part: (Drum) "Manufactured only by Midland Chemical Laboratories, Inc., Dubuque, Iowa."

It was alleged to be misbranded in that it contained alcohol and the package or drum failed to bear a statement on the label of the quantity or proportion of the alcohol contained therein. It was alleged to be misbranded further in that the following statements, "Germolyptus A reliable germicide, disinfectant, antiseptic * * * ingredients of high germicidal value * * * For washing hands * * * use 2% solution * * * For cuts, scratches, bites, stings, abrasions, and open wounds in general, soaking, washing and irrigating—use 4% solution. Mucous Membranes, douches (vaginal) and irrigations—use 4% solution. For mouth wash and gargle—use 10 to 15 drops to a glass of water. For chafing, itching—use 3% solution: * * * Hair and scalp—use 4% solution," borne on the label, were false and misleading since they represented that the article was an effective germicide, disinfectant, and antiseptic when used as directed; whereas it would not be an effective germicide, disinfectant, or antiseptic when used as directed.

The information alleged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1602 published under that act.