

On April 14, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bottles of hydrogen peroxide at Columbus, Ohio; alleging that the article had been shipped in interstate commerce on or about March 9, 1938, from Pittsburgh, Pa., by Pennex Products Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "3% H₂O₂," since it contained less than 3 percent of H₂O₂.

It was alleged to be misbranded in that the statement on the label, "3% H₂O₂," was false and misleading. It was alleged to be misbranded further in that the statement on the label, "Hydrogen Peroxide," was false and misleading since the purchaser was lead to believe that the article was solution of hydrogen peroxide recognized in the United States Pharmacopoeia as an aqueous solution containing in each 100 cubic centimeters not less than 2.5 grams of H₂O₂; whereas it did not contain 2.5 grams of H₂O₂ per 100 cubic centimeters, but did contain a less amount.

On August 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29447. Misbranding of santal oil capsules. U. S. v. 108,000 Capsules of Santal Oil, et al. Consent decree of condemnation. Product released under bond to be denatured. (F. & D. Nos. 42399, 42400, 42402. Sample Nos. 12582-D, 12584-D to 12587-D, incl., 12589-D, 12590-D.)

This product was sold as santal oil, a name meaning oil of santal (or sandalwood oil), but failed to conform to the tests prescribed by the United States Pharmacopoeia for oil of santal, since it was not soluble in 5 volumes of 70-percent alcohol.

On May 17, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171,000 capsules of a product invoiced as "Santal Oil E. I." at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 1 and November 13, 1937, and March 24, 1938, from Detroit, Mich., by Gelatin Products Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that it was an imitation of another article, sandalwood oil, a drug recognized in the United States Pharmacopoeia; and in that it was sold as santal oil, a name meaning sandalwood oil (a drug recognized in the United States Pharmacopoeia), but was not sandalwood oil.

On August 30, 1938, Philip Kachurin, trading as Kachurin Drug Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured.

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

29448. Adulteration and misbranding of oil of sandalwood. U. S. v. 5 Bottles of Oil of Sandalwood (and 11 similar seizure actions). Decrees of condemnation. Portion of product ordered destroyed. Remainder released under bond for relabeling. (F. & D. Nos. 42939, 42940, 42941, 43006, 43007, 43267, 43268, 43269, 43273, 43274, 43275, 43437. Sample Nos. 10832-D, 10833-D, 16213-D, 16253-D, 16255-D, 16471-D, 16472-D, 23743-D, 23744-D, 23745-D, 24865-D, 30053-D.)

This product was labeled to indicate that it was santal oil of United States Pharmacopoeial standard; but was not since it did not have the characteristic odor of santal oil and it also contained a terpeneol.

On various dates between June 17 and August 23, 1938, five United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts 12 libels praying seizure and condemnation of 26 bottles of oil of sandalwood at Houston, Texas, 143¾ pounds of the product at Philadelphia, Pa., 21 bottles at Pittsburgh, Pa., 9 bottles at New Orleans, La., and 4½ pounds at Savannah, Ga.; alleging that the article had been shipped in interstate commerce on various dates between September 29, 1937, and June 3, 1938, from New York, N. Y., by Magnus, Mabee & Reynard.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard of quality or strength under which it was sold, namely, "Oil Sandalwood—U. S. P. East Indian," since it was not as represented.

Misbranding was alleged in that the statement, "Oil Sandalwood U. S. P. East Indian," borne on the label, was false and misleading since it led the purchaser to believe that the article was sandalwood oil, recognized in the United States Pharmacopoeia; whereas it was not.

On August 8 and 17, 1938, Magnus, Mabee & Reynard having appeared as claimant for the lots seized at Philadelphia and Pittsburgh, Pa., judgments of condemnation were entered and the said lots were ordered released under bond conditioned that they be relabeled and disposed of for technical purposes. No claim having been entered for the remaining lots, default decrees of condemnation and destruction were entered within the period from on or about July 19 to on or about September 30, 1938.

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

29449. Misbranding of Pon-Tam-Pon Silver-Iodine, Pon-Tam-Pon Ichthyol-Iodine, and Pon-Tam-Pon Zinc-Ichthyol. U. S. v. 69 Cartons and 17 Cartons of Pon-Tam-Pon (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42047, 42048, 42217, 42218. Sample Nos. 3210-D, 3211-D, 17679-D, 17680-D.)

The labeling of all these products bore false and fraudulent curative and therapeutic claims, and that of the silver-iodine and ichthyol-iodine tampons bore false and misleading representations that they contained free iodine.

On March 26 and April 18, 1938, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 134 cartons of Pon-Tam-Pon at San Francisco, Calif.; alleging that the articles had been shipped in interstate commerce on or about October 4 and November 4, 11, and 23, 1937, from Rutland, Vt., by the Pond Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act as amended. Each carton contained six tampons and a tube labeled: "Glycerant."

Analyses showed that the tube labeled "Glycerant" contained glycerite of starch, or glycerite of starch and boric acid; that the silver-iodine tampons consisted essentially of a gelatin shell containing a jelly composed of glycerated gelatin, boric acid, and an iodide, a layer of powder composed of silver nitrate and boric acid, and a bundle of wool fibers; that the ichthyol-iodine tampons consisted essentially of a gelatin shell containing a jelly composed of gelatin, glycerin, boric acid, ichthammol, an iodide, and a bundle of wool fibers; and that the zinc-ichthyol tampons consisted essentially of a gelatin shell containing glycerin, boric acid, ichthammol and compounds of zinc and salicylic acid, and a bundle of wool fibers.

The silver-iodine and ichthyol-iodine tampons were alleged to be misbranded in that the statements, (silver-iodine) "* * * original and pure state * * * Iodine * * * with Iodine equivalent of 20 percent of the Tincture * * * Iodine," and (ichthyol-iodine) "Ichthyol-Iodine * * * Iodine with tr. of iodine 13 percent," were false and misleading since the tampons contained no free iodine.

All the products were alleged to be misbranded in that statements in the labeling falsely and fraudulently represented their curative and therapeutic effectiveness as follows: (Silver-iodine) in the treatment of gonorrhoea in women; (ichthyol-iodine and zinc-ichthyol) in the treatment of leucorrhoea, painful menstruation, profuse and irregular menstruation, diseased tubes and ovaries and pelvic peritonitis, displacement of the uterus, fibroid tumors, sterility, to prevent miscarriage; as a treatment after miscarriage and confinement, and in complications after operations; in the treatment of headache, indigestion, backache, nervous prostration, disease of the uterus in young girls, and lacerations; (zinc-ichthyol only) in the treatment of prolapse, prolapse cystocele, and rectocele; (Glycerant) in the treatment of inflammation, skin diseases, hemorrhoids, sores, and sore gums.

On July 21, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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