

it was not sterile and was not suitable for hospital, surgical, or nursing purposes.

It was alleged to be misbranded in that the statements quoted above, and the design of a nurse on both labels, were false and misleading when applied to an article which was not sterile.

On November 15, 1939, the Acme Cotton Products Co., Inc., having appeared as claimant and having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be disposed of for any appropriate purpose other than for medical purposes or for conditions for which absorbent cotton is usually used.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30953. Misbranding of Saurinol. U. S. v. 5 Large and 3 Small Packages of Saurinol. Default decree of condemnation and destruction. (F. & D. No. 45511. Sample No. 56239-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On July 20, 1939, 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 8 packages of Saurinol at Oakland, Calif.; alleging that the article had been shipped in interstate commerce on or about June 9, 1939, by Saurinol Distributors from Colorado Springs, Colo.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of medium boiling petroleum oil with a small proportion of quinine alkaloid.

It was alleged to be misbranded in that the statement on the label, "A Natural Oil," was false and misleading as applied to an article consisting essentially of medium boiling petroleum oil with a small proportion of quinine alkaloid. It was alleged to be misbranded further in that the following statements in the labeling were statements regarding its curative or therapeutic effects and were false and fraudulent: "For relief in sinus, hay fever, exposed cancer, varicose veins, pyorrhea, trench mouth, lacerations, ulcers, skin diseases * * * sinus, hay fever, apply with atomizer, Varicose veins, skin trouble use oil and massage, Exposed cancer, ulcers, lacerations apply with gauze. Pyorrhea or trench mouth, rinse mouth."

On November 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30954. Misbranding of Hain Col-Lax; alleged misbranding of Hain Kelp Tablets. U. S. v. Harold Hain (Hain Pure Food Co.). Judgment of guilty on counts charging misbranding of Col-Lax; not guilty on counts charging misbranding of Kelp Tablets. Fine, \$300. (F. & D. No. 40817. Sample Nos. 36735-C, 36736-C.)

The labeling of the Col-Lax bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its ingredients. That of the Hain Kelp Tablets bore curative and therapeutic claims and other representations that were alleged to be false, fraudulent, and misleading.

On June 10, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harold Hain, trading as the Hain Pure Food Co., Los Angeles, Calif., alleging shipment by said defendant on or about May 1 and August 7, 1937, from the State of California into the State of Ohio, of a quantity of Hain Col-Lax and of a quantity of Hain Kelp Tablets.

Analysis of the Col-Lax showed that it consisted essentially of ground psyllium, agar, and milk sugar. Microscopic examination showed the presence of the bran as well as the mucilaginous portion of the psyllium seed. Analysis of the Kelp Tablets showed that they consisted of powdered kelp.

Misbranding of the Col-Lax was alleged in that certain statements in the labeling represented that the article was free from herbs and drugs; that in preparing the psyllium for it the irritating substance, such as bran, was removed, leaving only the highly mucilaginous part; that it was an ideal laxative food, an extract of the mucilaginous, nonirritating part of the psyllium and that it contained no ingredients which were habit-forming or irritating, which statements were false and misleading in view of the composition of the article, as disclosed by analysis. Further misbranding of the Col-Lax was alleged in that

statements in the labeling regarding its curative and therapeutic effectiveness falsely and fraudulently represented that it was not a cathartic; would not irritate the most delicate system, might be used with safety in colitis, ulceration, hemorrhoids, etc.; that the lactose was capable of feeding the friendly colon bacteria; that it would help to maintain the acid-alkaline balance in the intestinal tract; that it was capable of adequately meeting an urgent need for a natural, harmless, effective laxative food, of being used with safety and good results in all cases of intestinal disorders, including aggravated cases of chronic constipation, colitis, prolapsus hemorrhoids, etc., of producing easy and copious elimination, without in the least irritating the delicate, already sensitive or inflamed mucous membrane of the intestines, of supplying both the needed bulk and lubrication, of helping to overcome constipation by stimulating intestinal musculature into normal action and by changing the intestinal flora, and of averting through its use exclusively all danger from ordinary laxatives; and that it was an ideal laxative food and accepted as such by many physicians.

It was alleged in the information that the Kelp Tablets were misbranded in that representations in the circular that the article was a true gland food, that it was a wholesome and effective product that differed from the many so-called gland foods in that it was wholly natural and was without drugs or other harmful stimulants, that it was a true food and not a medicine, that it was devoid of drugs and provided the means by which the value which otherwise might be obtained only by the consumption of prodigious quantities of the raw products were by it made available, were false and misleading. It was alleged further in the information that the circular contained representations regarding the curative and therapeutic effects of the article which were false and fraudulent, namely, representations that it was effective to cure glandular inadequacies, nervous debility, mental exhaustion, general rundown conditions, and was so effective because its qualities as a food and the plant elements contained therein imparted to it constructive capability with regard to the human physical organization.

On August 17, 1939, the defendant having pleaded not guilty and a jury having been waived, the case came on for trial before the court. The trial was concluded on August 23, 1939. The case was continued to August 28 for decision, on which date the court found the defendant guilty on the two counts charging misbranding of Col-Lax, and not guilty on the two counts charging misbranding of Kelp Tablets. The defendant was sentenced to pay a fine of \$150 on each of the two counts on which he had been convicted.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30955. Adulteration and misbranding of elixir of iron, quinine, and strychnine; misbranding of carbolic ointment. U. S. v. Sexton Drug Store. Plea of guilty. Fine, \$10. (F. & D. No. 40808. Sample Nos. 12466-D, 12470-D.)

The elixir of iron, quinine, and strychnine differed from the standard established by the National Formulary in that it was deficient in certain essential ingredients and contained other ingredients not found in the formulary product. It contained a smaller proportion of alcohol than that declared on its label. The carbolic ointment was labeled to indicate that it was ointment of carbolic acid, namely, phenol ointment, a product recognized in the United States Pharmacopoeia. It contained a smaller proportion of phenol than the pharmacopoeia product and was not effective as an antiseptic when used as directed.

On January 23, 1939, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sexton Drug Store, a corporation, Springfield, Mass., alleging shipment by said company in violation of the Food and Drugs Act on or about March 7, 1938, from the State of Massachusetts into the State of Connecticut, of a quantity of elixir of iron, quinine, and strychnine that was adulterated and misbranded, and a quantity of carbolic ointment that was misbranded. The articles were labeled in part: "G. Fox & Co., Inc., Distributors * * * Hartford, Conn."

The elixir of iron, quinine, and strychnine was alleged to be adulterated in that it was sold under a name recognized in the National Formulary but differed from the standard of strength, quality, and purity laid down therein since the formulary requires that the article consist of 125 cc. of tincture of ferric citrochloride, 8 grams of quinine hydrochloride, 175 milligrams of strychnine sulfate, 10 cc. of compound spirit of orange, 240 cc. of alcohol, 300 cc. of glycerin, and a sufficient quantity of distilled water to make the product