

adequate treatment for sore throat; that it would act as a blood coagulant forming a protective film over wounds; and that it was an adequate treatment for painful erupting teeth and for painful conditions or severe swelling after extraction of teeth, were false and misleading since it would not be efficacious for such purposes, except that it might act as a blood coagulant and form a protective film over wounds of a minor character. (2) In that the following statements, (carton, bottle label, and circular) "Concentrated antiseptic in undiluted state. Astringent, Deodorant, Mouth Wash, Gum Massage and Gargle," (carton and bottle) "Directions: As a mouth wash or gargle use about a teaspoonful to glass of water or enough to give you a tingling feeling on tongue," and (circular) "Wash: as a mouth wash for daily use, use about a teaspoonful to a glass of water (you may use cap on bottle, which holds a teaspoonful) or use according to your taste, but enough to give your tongue a tingling feeling. \* \* \* Gargle: For a sore throat, a teaspoonful to a glass of hot water every two hours \* \* \* The contents of this 3 oz. bottle make a gallon and one-half of mouth wash when diluted," were false and misleading particularly in the absence of a statement in the labeling that it would not be antiseptic when used in some of the dilutions recommended, namely, "about a teaspoonful to a glass of water," and "The contents of this 3 oz. bottle makes a gallon and one-half of mouth wash when diluted," an omission material in the light of the prominent display of the words "Concentrated Antiseptic In Undiluted State. Astringent, Deodorant, Mouth Wash, Gum Massage and Gargle" on the carton, bottle label, and circular.

On February 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**739. Misbranding of Na-Stim. U. S. v. 6 Dozen Packages of Na-Stim A Nasal Stimulant. Default decree of condemnation and destruction. (F. D. C. No. 6895. Sample No. 72559-E.)**

On February 21, 1942, the United States attorney for the District of Arizona filed a libel against 6 dozen packages of Na-Stim at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about November 24, 1941, by the Na-Stim Laboratories, Inc., from Modesto, Calif.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water, a gum, and fatty material; but failed to reveal the presence of menthol, oil of pine, or turpentine.

The article was alleged to be misbranded: (1) In that the statement on the tube labels "Contains \* \* \* Menthol, Venice Turpentine, Oil of Pine, Iodine," was false and misleading since it contained no detectable amount of menthol, Venice turpentine, oil of pine, or free iodine, and contained merely a trace of combined iodine. (2) In that statements in the labeling which represented that it would be efficacious for the relief from symptoms of hay fever, sinus, head colds, and nasal disorders, and that it constituted an adequate treatment for such conditions, were false and misleading since it would not be efficacious for such purposes and was not an adequate treatment for such conditions.

On April 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**740. Misbranding of Omega Oil and Kotalko. U. S. v. 59½ Dozen Bottles of Omega Oil and 34 Packages of Kotalko. Default decrees of condemnation and destruction. (F. D. C. Nos. 6764, 7830. Sample Nos. 89107-E, 89880-E.)**

The labeling of both products bore false and misleading therapeutic claims. The Kotalko ointment failed to bear the common or usual name of each of its active ingredients on the label, and the box in which it was packed occupied less than one-third of the capacity of the carton.

On February 10 and June 30, 1942, the United States attorney for the Southern District of New York filed libels against the above-named articles at New York, N. Y., alleging that they had been shipped in interstate commerce on or about December 22, 1941, and May 11 and June 2, 1942, by Block Drug Co., Inc., from Jersey City, N. J.; and charging that they were misbranded.

Analyses of samples of the articles showed that Omega Oil consisted essentially of chloroform, methyl salicylate, mineral oil, and a small quantity of alkaloidal material such as hyoscyamus; and that the Kotalko consisted essentially of sulfur, pilocarpine, resorcinol, and a camphoraceous oil in an ointment base.

The Omega Oil was alleged to be misbranded in that statements in the labeling which represented that it differed from ordinary liniments, that it was "far more than just liniment," that it was a powerful and reliable answer to dozens of everyday ills; that at the point of application it would soothe and ease the local nerves, stimulate the circulation, break up congestion