VAPORIZING DEVICES

Nos. 35 to 40, inclusive, of this publication report the seizure and disposition of vaporizing devices which were similar in general structure and identical in purpose. The device consisted of a small chamber (containing a wick or absorbent pad) of such size and shape as to permit its fitting into the nostril to which was attached a rubber tube fitted with a mouthpiece. An accessory medicament was supplied or could be obtained separately. The wick or pad was saturated with the medicament, which was vaporized by the user's blowing into the mouthpiece and forcing the vapor into the nasal passages.

35. Misbranding of Syn-O-Scope. U. S. v. 183 Packages of Syn-O-Scope (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 106, 115, 118, 121, 125, 182. Sample Nos. 29421–D, 29424–D, 31877–D, 31878–D, 32674–D, 34980–D, 58803–D, 58804–D.)

Between January 4 and March 11, 1939, the United States attorneys for the Western District of Michigan, Northern District of Ohio, Southern District of Indiana, Western District of Pennsylvania, and Western District of Virginia, filed libels against the following lots of Syn-O-Scope: 183 packages at Grand Rapids, Mich.; 54 packages at Cleveland, Ohio, 118 packages at Evansville, Ind.; 39 packages at Pittsburgh, Pa.; and 26 packages at Danville, Va. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about August 12 to on or about November 9, 1938, by Syn-O-Scope Co., Inc., from Chicago, Ill.; and charging that it was misbranded.

The accessory medicament with this device, labeled "Synex Syn-O-Scope Refill," consisted of a mixture of volatile oils including eucalyptus oil, camphor, and alcohol.

The said device was alleged to be misbranded in that it was dangerous to health when used with the frequency and duration prescribed, recommended, and suggested in the labeling, in which the user was directed to place the metal tip in the nostril and hold in position; to take the mouthpiece of rubber hose between the lips and blow, gently at first, gradually increasing to suit; and which contained a diagrammatic sketch of the apparatus in use, accompanied by the explanation that the lung pressure closed the palate and forced the medication into the infected parts.

On February 27, March 7, April 1, April 6, and September 6, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

36. Misbranding of Pate-O-Graph. U. S. v. 80 Packages and 6½ Gross Packages of Pate-O-Graph. Default decrees of condemnation and destruction. (F. D. C. Nos. 100, 102. Sample Nos. 44585–D, 52006–D.)

On November 17 and 29, 1938, the United States attorneys for the District of Columbia and the District of New Jersey filed libels against 80 packages of Pate-O-Graph at Washington, D. C., and 6½ gross packages of Pate-O-Graph at Newark, N. J.; alleging that the former was in possession of Liggett's Drug Store at Washington, D. C., and was being offered for sale in the District of Columbia, and that the latter had been shipped in interstate commerce on or about November 17, 1938, by H. W. Gillespie from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Pate-O-Graph, Tobin & Snell, Distributors, New York, N. Y."

The accessory medicament, labeled "Patol," consisted of approximately 80 percent of volatile oils (chiefly eucalyptus oil), a small proportion of an ammonium compound and approximately 20 percent alcohol.

The device was alleged to be misbranded in that it was dangerous to health when used with the frequency and duration prescribed, recommended, and suggested in the labeling, which directed that after saturating the wick with the medicament the vaporization chamber be placed to the nostril and the mouthpiece placed between the lips; that the user blow, gently at first, gradually increasing the pressure; that to increase flow of vapor, the cap be unscrewed a few turns; that the warmth of the breath vaporized the medicament; that the act of blowing causes the soft palate to close; and that the lung pressure enables one to force the warm medicated vapor into the nasal passages. The labeling also bore a diagrammatic sketch illustrating the device which bore the legend explaining that the lung pressure closes soft palate forcing medication to nasal passages.

On December 23, 1938, and January 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.