

Enclosed in the carton with each device was a bottle of "Hed Klear Essence," which consisted of a mixture of volatile oils (including eucalyptus oil and menthol), alcohol, acetone, and water.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, which directed that the user place the tip of the metal barrel into the nostril, then place the glass mouthpiece at end of the tube between the lips and blow, very gently at first, then gradually increasing the pressure to suit himself, alternating from nostril to nostril, as desired. The labeling further stated that the longer one blew, the deeper the vapors of the essence penetrated into the nasal cavities; and contained a sketch of the apparatus in use, with a legend which represented that the breath carries the vapors through the nasal passages to all inflamed irritated parts, thus affording relief from discomfort of head colds, rhinitis, nasal catarrh, sinus irritation, and hay fever.

The article was also alleged to be misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30879 published under that act.

On May 10 and July 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

40. Misbranding of Nazoscope. U. S. v. 133 Devices, labeled in part "Nazoscope" (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 113, 175, 178, 200, 201, 385. Sample Nos. 39565-D, 40915-D, 40918-D, 41370-D, 41599-D, 50598-D.)

Between January 20 and August 14, 1939, the United States attorneys for the Districts of Oregon, Idaho, and Utah filed libels against the following consignments of Nazoscope: 133 packages at Portland, Oreg.; 11 packages at Boise, Idaho; 18 packages at Idaho Falls, Idaho; 63 packages at Salt Lake City, Utah; and 115 packages at Ogden, Utah. The libels alleged that the article had been shipped in interstate commerce within the period from on or about September 5, 1938, to on or about May 15, 1939, by the Murray Laboratories, in various shipments from Pacific Palisades, San Francisco, and Santa Monica, Calif.; and charged that it was misbranded.

The accessory medicament, labeled "Nazone," consisted essentially of volatile oils (including spearmint oil), alcohol, and water.

Misbranding was alleged in that the article was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, which contained directions that the wick be saturated with Nazone, the appliance inserted into the nostril; that the glass mouthpiece on end of rubber tube be placed between the lips and that the user blow gently, gradually increasing the pressure until the effects could be felt deep in the nasal passages.

Between the dates of March 27 and October 9, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

REDUCING PREPARATIONS

41. Misbranding of O. B. C. Capsules. U. S. v. 138 Packages of O. B. C. Capsules. Default decree of condemnation and destruction. (F. D. C. No. 212. Sample No. 42247-D.)

These capsules contained thyroid and phenolphthalein. They would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which contained directions that one capsule be taken three times a day one-half hour before meals for best results. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the said directions and in a circular in which it was recommended as a valuable aid in the treatment of obesity and which contained representations, among others, that it would promote the combustion of fats, thereby bringing about gradual and appreciable loss of weight; that such loss could be accelerated by eating sparingly of starchy foods, fats, and sugars, but that such regulation of diet was not necessary since the article would reduce without dieting. Its label also failed to bear warnings against its use in those pathological conditions where its use might be dangerous to health or against unsafe doses or duration of administration in such manner and form as are necessary for the protection of users.

On March 29, 1939, the United States attorney for the District of New Jersey filed a libel against 138 packages of O. B. C. Capsules at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce on or about October 20, 1938, by Frank & Black from Philadelphia, Pa.; and charging that it was misbranded for the reasons appearing above. The article was labeled in part: "Thyrole Products Co., Sole Distributors, Philadelphia, Penna."

On May 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

42. Misbranding of Tablets Arbolone. U. S. v. 188 Packages of Tablets Arbolone. Default decree of condemnation and destruction. (F. D. C. No. 216. Sample No. 55108-D.)

This drug consisted of tablets containing desiccated thyroid and extracts of plant drugs including an iodine-containing drug such as bladder wrack and a laxative drug such as cascara sagrada. It was recommended in its labeling as a treatment for obesity with dosage of one to two tablets, beginning with one after each meal and increasing the dose to two tablets after the third day, and continuing until the desired reduction resulted, after which the tablets might be taken occasionally as a preventive. It was recommended further that the dose be reduced if headache, vertigo, or heart palpitation ensued, and that the treatment be continued several weeks or months as the case might require. It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. Its labeling failed to reveal facts material in the light of the representations set forth in the labeling, or material with respect to consequences which might result from the use of the article under the conditions of use prescribed in the labeling, and failed to bear warnings against its use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application.

On April 11, 1939, the United States attorney for the Northern District of Illinois filed a libel against 188 packages of Tablets Arbolone at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 15, 1939, by the Arbolone Co. from Dayton, Ohio; and charging that it was misbranded for the reasons appearing above.

On June 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

43. Misbranding of laxative chewing gum. U. S. v. 77 Cartons of Chewing Laxative. Default decree of condemnation and destruction. (F. D. C. No. 73. Sample No. 22341-D.)

This product was a gum, each piece containing 1 grain of phenolphthalein. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which recommended that it be chewed like gum with a dosage of one to two tablets at night or after mealtime.

On September 8, 1938, the United States attorney for the Northern District of Illinois filed a libel against 77 cartons of chewing laxative at Chicago, Ill.; alleging that the article had been shipped on or about July 20, 1938, by Peltz-Kauffer Co., Inc., from South Bend, Ind.; and charging that it was misbranded for the reasons stated above. It was labeled in part: "Tru-Lax Mint Flavored Chewing Laxative."

The libel also charged that the article was misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30001 published under that act.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

44. Misbranding of Bad-Ex-Salts. U. S. v. 27 Bottles of Bad-Ex-Salts (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 109, 110, 112, 114. Sample Nos. 34931-D, 38817-D, 48833-D, 59646-D.)

This product contained tartar emetic. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which contained representations that the article contained sodium sulfate, sodium carbonate, and sodium chloride (salts