that when used in an atomizer to spray nose and throat it would relieve asthma, hay fever, and sinus trouble quickly and positively and would destroy the germs lodged in the air passages, that by rubbing on the outside and spraying the throat it would stop sore throat at once; that to stop a cold the throat and chest should be rubbed thoroughly with the product to relieve the congestion; that it contained 2 minims of chloroform per ounce; that aching feet and ankles should be rubbed thoroughly with the article; that for lame back it should be rubbed in thoroughly and that 5 drops of oil might be taken on a little sugar 3 times a day; that it should be used as a rub as often as seemed necessary for ordinary aches and pains, lameness or swelling; that it should be rubbed on the chest and throat to relieve the congestion of colds and that when used in a spray, it would destroy the germs of influenza, which representations were false and misleading since the article would not be efficacious for the purposes so recommended.

It was alleged to be misbranded further in that the label did not bear the common or usual name of each active ingredient, including the quantity of chloroform contained therein.

On July 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

177. Misbranding of Domino Brand Antiseptic Rubbing Compound. U. S. v. 3⅚ Gross Packages of Domino Brand Antiseptic Rubbing Compound. Default decree of condemnation and destruction. (F. D. C. No. 2033. Sample No. 15446–E.)

The labeling of this product created the false and misleading impression that it was rubbing alcohol or the equivalent of rubbing alcohol, and failed to bear a statement of the presence and proportion of isopropyl alcohol contained in the product.

On May 31, 1940, the United States attorney for the Western District of Tennessee filed a libel against 3⅚ gross packages of the above-named product at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25, 1940, by the Halitosine Co. from St. Louis, Mo.; and charging that it was misbranded.

The article was alleged to be misbranded in that its labeling bore representations that it was an antiseptic rubbing compound to be used instead of rubbing alcohol; that it was for use for massaging, sponging, and after bath; that it was cooling and refreshing for hospital and home; that the product was not affected by T. D. (Treasury Decision) 4963; and that it contained no SDA (specially denatured) alcohol, which representations created the false and misleading impression that the product was rubbing alcohol or an equivalent of rubbing alcohol. It was alleged to be misbranded further in that its label failed to bear a statement of the presence and proportion of isopropyl alcohol that it contained.

On July 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NOSE DROPS AND INHALERS

178. Misbranding of Hill's Nose Drops. U. S. v. 35 Packages of Hill's Nose Drops. Consent decree of condemnation and destruction. (F. D. C. No. 1744. Sample No. 618–E.)

This product was labeled with false and misleading representations regarding its efficacy in the conditions indicated below, and it occupied less than 24 percent of the capacity of the packages in which it was packed.

On April 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 35 packages of Hill's Nose Drops at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by the Anacin Co. (Wyeth Chemical Co., distributors, Jersey City, N. J.) from Jersey City, N. J.; and charging that it was misbranded.

Misbranding was alleged in that the labeling bore representations that it was efficacious for the quick relief of simple or nasal catarrh and that it would bring prompt relief in cases of tightness in the throat, which were false and misleading since the article was not efficacious for the purposes so recommended.

It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On May 21, 1940, the Wyeth Chemical Co., respondent, having alleged ownership and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.