The article was alleged to be misbranded further in that the statement "Contains * * * Acid Benzoic 5 gr. * * * Q. S. 1 ounce" was false and misleading since it contained materially less than 5 grains of benzoic acid per fluid ounce.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

VAPORIZING DEVICES

183. Misbranding of Jiffy Vaporizer. U. S. v. 27 Packages of Jiffy Vaporizer. Default decree of condemnation and destruction. (F. D. C. No. 1740. Sample No. 14682-E.)

This product consisted of an electrically heated device intended to produce steam. Its labeling bore false and misleading representations regarding its efficacy for the relief of bronchitis, asthma, hay fever, whooping cough, laryngitis, and catarrh; and for purifying the air.

On April 1, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 27 packages of Jiffy Vaporizer at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 23, 1940, by Spielman & Co. from New York, N. Y.; and charging that it was misbranded for the reasons appearing above.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

184. Misbranding of electric vaporizers. U. S. v. 181 Packages of Kaz Electric Vaporizers. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1549. Sample No. 33180-D.)

This product was an electric heating device for producing steam and a bottle of a liquid labeled "Kaz For Colds," consisting essentially of oils of eucalyptus, peppermint, wintergreen, and lavender together with menthol and camphor dissolved in a mineral-oil base. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 29, 1940, the United States attorney for the Northern District of Ohio filed a libel against 181 vaporizers at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 25, 1939, by the Kaz Manufacturing Co. from New York, N. Y.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious and effective in the treatment of throat, lung, and nasal congestions including croup, whooping cough, asthma, chest colds, and similar complaints; that it would penetrate the sore, inflamed, and congested membranes of the nose, throat, and chest and carry with it the soothing, beneficial vapors of a scientifically prepared medication combined in correct proportions to give instant relief; and that it would give quick relief to throat and nasal congestions, which were false and misleading since it was not efficacious for the purposes recommended.

On August 21, 1940, the Kaz Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that it be relabeled under the supervision of the Food and Drug Administration.

185. Misbranding of vaporizers. U. S. v. 251 American Electric Vaporizers. Decree ordering product released under bond for relabeling. (F. D. C. No. 1617. Sample No. 3104-E.)

This device consisted of a jar equipped with two electrodes and was intended for the production of vapors. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 12, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 251 vaporizers at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about November 10, 1939, to on or about February 8, 1940, by the American Sundries Co. Inc., from Brooklyn, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious as an efficient agency of administration in cases of bronchitis, asthma, whooping cough, laryngitis, and other similar respiratory ailments, that by vaporizing a few drops of pine needle oil it would purify the air in sleeping rooms, living rooms, or in public gathering quarters, which representations were false and misleading since it was not efficacious for the purposes so recommended.