On February 9, 1940, the United States attorney for the Northern District of Georgia filed a libel against 96 retail packages of 666 Nose Drops at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 31, 1939, and January 18, 1940, by the Monticello Drug Co. from Jacksonville, Fla.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On February 28, 1940, the Monticello Drug Co. appeared as claimant and filed an answer denying the misbranding alleged in the libel. On March 11, 1940, an order was entered in the Northern District of Georgia removing the cause for trial to the Southern District of Georgia. On June 24, 1940, the claimant having, without prejudice, withdrawn its claim and answer and having consented to the entry of a decree, judgment was entered condemning the product, without prejudice, and ordering that it be destroyed and that costs be taxed against the claimant.

228. Misbranding of Aztec Liniment, Pulmotol, Optosan Eye Drops, Nostrisol Nasal Drops, Stomavita, and Femovita. U. S. v. 10 Bottles of Aztec Liniment, et al. Default decree of condemnation and destruction. (F. D. C. No. 1352. Sample Nos. 71322–D to 71325–D, incl., 71327–D, 71328–D.)

The Aztec Liniment, Pulmotol, Stomavita, and Femovita involved in this case were contained in bottles with unusually thick glass, which had a rather heavy base, with the walls recessed or paneled and the neck unnecessarily long. The bottles were contained in paper cartons. The Optosan Eye Drops and the Nostrisol Nasal Drops were each packaged in cartons, the contents of the former occupying less than half the capacity of the carton and the contents of the latter occupying less than 30 percent of the capacity of the carton.

On January 16, 1940, the United States attorney for the District of Arizona filed a libel against 10 bottles of Aztec Liniment, 282 bottles of Pulmotol, 12 packages of Optosan Eye Drops, 9 packages of Nostrisol Nasal Drops, 54 bottles of Stomavita, and 36 bottles of Femovita at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce by the Hildago Pharmacy from Los Angeles, Calif., within the period from on or about November 3, 1939, to on or about December 5, 1939; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading.

On April 22, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

229. Misbranding of Mexican Oil. U. S. v. 276 Packages of Mexican Oil Brand. Default decree of condemnation and destruction. (F. D. C. No. 1285. Sample No. 71163–D.)

The bottles containing this product were made of thick glass, were paneled, and were enclosed in oversized cardboard cartons.

On January 5, 1940, the United States attorney for the Western District of Texas filed a libel against 276 bottles of Mexican Oil at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about October 17, 1939, from Trinidad, Colo., by Hausman Drug Co.; and charging that it was misbranded in that its containers, i. e., the bottles and packages, were so made, formed, or filled as to be misleading.

On February 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

230. Misbranding of olive oil and tincture benzoin compound. U. S. v. The Ideal Laboratories, Inc. Plea of guilty. Fine, $150. (F. D. C. No. 936. Sample Nos. 70687–D, 70688–D, 70767–D.)

These products were short of the declared volume.

On March 20, 1940, the United States attorney for the District of Colorado filed an information against the Ideal Laboratories, Inc., Denver, Colo., alleging shipment by said company on or about August 17 and October 4, 1939, from the State of Colorado into the State of Wyoming of quantities of olive oil and tincture benzoin compound that were misbranded. The olive oil was labeled in part: (Bottles) "16 Oz.," "8 Oz.," or "4 Oz." The tincture benzoin compound was labeled in part: "2 Oz." or "4 Oz."

The articles were alleged to be misbranded in that the statements on the bottle labels, "16 Oz.," "8 Oz.," "4 Oz.," and "2 Oz.," were false and misleading since the bottles contained less than the amounts declared. They were alleged to be misbranded further in that they were in package form and the labels failed to bear an accurate statement of the quantity of the contents.

On June 25, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $150.