The Sanafrio was alleged to be misbranded in that the following statements in the labeling, (carton) "For * * * Chest Colds * * * Relieves Headache, Neuralgia, Inflammation in Head Colds, and similar conditions. * * * Directions Apply externally to the chest. Acts much like a plaster and helps to relieve local congestion," and (jar) "Relieves Headache, Neuralgia, Congestion, and Inflammation in * * * Chest Colds and similar conditions * * * Chest Colds, Cough, Sore Throat," were false and misleading since it would not be efficacious as a treatment or relief for such conditions.

On May 19, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $75 on each of the 3 counts and suspended the sentence on counts 2 and 3 on condition that the defendant comply with instructions of the Government.

758. Misbranding of agar and oil with phenolphthalein. U. S. v. 28 Dozen Bottles of Royale Agar and Oil (and 1 other seizure action against Agar and Oil with Phenolphthalein). Default decrees of condemnation and destruction. (F. D. C. Nos. 7052, 7647. Sample Nos. 40894–E, 77140–E.)

The bottles containing this product were unlabeled when shipped in interstate commerce.

On March 18, and June 15, 1942, the United States attorney for the Eastern District of Pennsylvania filed libels against 61 dozen bottles of Agar and Oil with Phenolphthalein at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 7 and March 21, 1942, by the Vital Laboratories from Union City, N. J.; and charging that is was misbranded. After shipment a portion of the article was labeled in part, (bottle) "Royale Agar and Oil with Phenolphthalein"; and the cartons containing the remainder were labeled in part, "I. S. 137 1 Doz 16 Oz."

Analysis showed that the article was an emulsion containing mineral oil and phenolphthalein.

It was alleged to be misbranded in that it bore no labeling containing (1) adequate directions for use; (2) adequate warnings, since the label failed to warn that it should not be taken when suffering from nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and that frequent or continued use might result in dependence upon laxatives; (3) the name and place of business of the manufacturer, packer, or distributor; (4) an accurate statement of the quantity of the contents; and (5) the common or usual name of each active ingredient.

On May 1 and July 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

759. Adulteration and misbranding of Aurofectol; misbranding of Purpoil No. 22 and Purpoil No. 600. U. S. v. 6⅔ Dozen Packages of Purpoil No. 22, 3 1/12 Dozen Packages of Purpoil No. 600, and 2 1/12 Dozen Packages of Aurofectol. Default decree of condemnation and destruction. (F. D. C. No. 7474. Sample Nos. 87163–E, to 87165–E., incl.)

The labeling of the Purpoil Nos. 22 and 600 failed to bear such warnings as are necessary for the protection of users and also contained false and misleading curative and therapeutic claims. The labeling of the Aurofectol contained false and misleading claims regarding its curative, therapeutic, and antiseptic properties.

On May 6, 1942, the United States attorney for the District of Columbia filed a libel against the above-named products at Washington, D. C., alleging that they had been shipped in interstate commerce on or about March 9 and 25, 1942, by Purpoil Laboratories, Inc., from Baltimore, Md.; and charging that they were misbranded and that the Aurofectol was also adulterated.

Analyses of samples of the Purpoil Nos. 22 and 600 showed that both consisted essentially of mineral oil containing small quantities of iodine, chlorobutanol, and menthol. Analysis of a sample of the Aurofectol showed that it consisted essentially of a mixture of oils and phenols. Bacteriological tests of the Aurofectol showed that it was not antiseptic.

The Purpoil Nos. 22 and 600 were alleged to be misbranded in that their labels failed to bear adequate warnings against use by children where their use might be dangerous to health and failed to bear adequate warnings against unsafe duration of administration or application in such manner and form as are necessary for the protection of users, since they failed to warn that use by children might be dangerous and that frequent or excessive use might cause injury to the lungs. The Purpoil No. 22 was alleged to be misbranded further

(1) in that statements in the labeling which represented and suggested that it would be efficacious in the treatment of acute and mild chronic infections of the nose, that it would cause a depletion of the swollen mucous membrane, would promote drainage and greatly improve ventilation, would be efficacious to promote healing and would gradually diminish excess discharge, whether due to acute coryza or chronic nasal infection and whether the discharge was purulent or mucopurulent in quality, and would be equally efficient or effective whether dealing with repulsive scab formation or ozena or persistent postnasal drip, were false and misleading since it would not be efficacious for such purposes; (2) in that the following statement in the labeling, "Bacteriological tests have shown that Purpoil No. 22 and Purpoil No. 600 have bacteria destroying properties which are equivalent to phenol in the same strength and in the same type of oil," was false and misleading since it failed to reveal the material fact that phenol in the same strength and in the same type of oil possesses no bacteria-destroying properties. The Purpoil No. 600 was alleged to be misbranded further in that the statement "Used in the treatment of chronic suppurative infections of the nose" was false and misleading since it would not be efficacious in the treatment of suppurative infections of the nose.

The Aurofectol was alleged to be adulterated in that its strength differed from that which it was represented to possess since it was not an antiseptic as represented in its labeling. It was alleged to be misbranded in that certain statements in the labeling which represented that it would be efficacious in the treatment of dermatitis, eczema, and acute catarrhal inflammation of the tympanic membrane; would be efficacious in the treatment of acute and chronic infections of the external auditory canal and acute myringitis and acute catarrhal otitis media; that it was an effective parasiticide and antiseptic in skin diseases; that it would produce desired results in external auditory canal infections; that it would be efficacious in the treatment of infections of the skin of the external auditory canal were false and misleading since it would not be efficacious for such purposes.

On June 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

760. Misbranding of Fermlax. U. S. v. 61 Packages of Fermlax. Default decree of condemnation and destruction. (F. D. C. No. 7450. Sample No. 70672–E.)

On May 5, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 61 packages of Fermlax at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce on or about March 11, 1942, by Moon-Winn Drug Co., Inc., from Athens, Ga.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of sodium bicarbonate, magnesium carbonate, calcium carbonate, bismuth subnitrate, and rhubarb.

The article was alleged to be misbranded: (1) In that the directions on the label, "Adult dose—Teaspoonful in a full glass of water three times a day after meals. Children in proportion to age," provided for continuous administration, whereas it was a laxative and should not be used continuously, and they also failed to indicate the dosage for children of different ages. (2) In that the labeling failed to warn that a laxative should not be used in case of nausea, vomiting, abdominal pain, or other symptoms of appendicitis; and that frequent or continued use of a laxative might result in dependence upon a laxative to move the bowels. (3) In that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

On June 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

761. Misbranding of laxative cold tablets and Rx S368230 Pills. Adulteration and misbranding of epinephrine tablets for hypodermic use. U. S. v. 84 Bottles of Laxative Cold Tablets, 14,800 Rx S368230 Pills, and 2,045 Tubes and 6,040 Packages of Hypodermic Tablets. Default decrees ordering destruction of laxative cold tablets, pills, and portion of hypodermic tablets. Consent decree of condemnation ordering portion of hypodermic tablets released under bond to be brought into compliance with the law. (F. D. C. Nos. 7324, 7480, 8271, 8331. Sample Nos. 76829–E, 91224–E, 91225–E, 4959–F, 5078–F.)

The labeling of the laxative cold tablets and of the Rx S368230 Pills (a portion of which had been repackaged and labeled in part, "Gloria Laxative Pills * * * Prepared for John A. Smith Co., Oconomowoc, Wis.") failed to bear adequate directions and warning statements, that of the pills also failed