

Analysis of a sample of the article by this department showed that it contained peroxide.

The article was labeled in part: "Ether for Anesthesia U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of purity as determined by tests laid down in said pharmacopoeia official at the time of the investigation, since it contained peroxide.

Misbranding was alleged for the reason that the statement, "Ether * * * U. S. P." was false and misleading.

On December 9, 1929, Merck & Co. (Inc.), Rahway, N. J., having appeared as claimant for the property and having admitted the material allegations of the libel, a decree was entered adjudging the product adulterated and misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, under the supervision of this department, to indicate that it was not to be used or sold for medicinal or anesthetic purposes and should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17065. Adulteration of ether. U. S. v. One Hundred and Five 1-lb. Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24314. I. S. Nos. 011653, 011663. S. No. 2520.)

On December 5, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of one hundred and five 1-pound cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Mallinckrodt Chemical Works, in part from Jersey City, N. J., and in part from New York, N. Y., on or about June 1, 1929, and June 21, 1929, respectively, and transported from the respective States of New Jersey and New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of purity as determined by the tests laid down in said pharmacopoeia in that it contained peroxide.

On January 3, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17066. Misbranding of Syrup Bal-Sa-Me-A. U. S. v. 3 Dozen Packages, et al., of Syrup Bal-Sa-Me-A. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23514, 23819. I. S. Nos. 07713, 09719. S. Nos. 1621, 1992.)

On March 13 and July 16, 1929, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3 dozen packages, large size, 2½ dozen bottles, large size, and 1½ dozen bottles, small size, of Syrup Bal-Sa-Me-A, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Balsamea Laboratories (Inc.), from San Francisco, Calif., in part on or about October 9, 1928, and in part on or about April 25, 1929, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including rhubarb and leptoneria, a trace of chloroform, alcohol (2.5 per cent), sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Label, both sizes) "A vegetable preparation made from a newly discovered plant so far found growing only in the snow belt on the eastern slope of the Sierra Nevada Mountains * * * Harmless in any quantity;" (carton, both sizes) "A pure vegetable preparation made from a newly discovered plant so far found growing only in the snow belt on the eastern slope of the Sierra