

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17151-17175

[Approved by the Secretary of Agriculture, Washington, D. C., December 27, 1930]

**17151. Adulteration and misbranding of ether. U. S. v. 72 Cans et al., of Ether. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 24368, 24371. I. S. No. 026901. S. No. 2629.)

On or about December 24, 1929, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 111 cans of ether, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the Ohio Chemical & Manufacturing Co., Cleveland, Ohio, on or about October 12, 1929, and transported from the State of Ohio into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether 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 Pharmacopœia and differed from the standard of purity as determined by the test for ether laid down in said pharmacopœia official at the time of investigation in that it contained peroxide. Adulteration was alleged for the further reason that the article was sold under the following standard of purity, (can label) "The exceptional purity of this ether \* \* \* the exclusion of air by carbon dioxide prevents the oxidation of ether to \* \* \* peroxides by atmospheric oxygen," whereas it fell below such professed standard in that it contained peroxide.

Misbranding was alleged for the reason that the following statements, borne on the can label, were false and misleading when applied to ether containing peroxide: "The exceptional purity of this ether \* \* \* The exclusion of air by carbon dioxide prevents the oxidation of ether to \* \* \* peroxides by atmospheric oxygen."

On March 24 and April 28, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17152. Misbranding of Womanette. U. S. v. 6 Dozen Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 24347. I. S. No. 017773. S. No. 2609.)

On December 12, 1929, the United States attorney for the Western District of Tennessee, 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 6 dozen bottles of Womanette at Memphis, Tenn., alleging that the article had been shipped by the Capital Remedy Co. (Inc.), from Jackson, Miss., on or about October 24, 1929, and transported from the State of Mississippi into the State of Tennessee, 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, potassium bromide, sugar, alcohol, and water.