

# 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.

The article was labeled in part: (Shipping packages) "Womanette Health \* \* \* For Women and Girls;" (wrapper on individual package and bottle label) "Womanette \* \* \* recommended as a Tonic and as a help in giving relief when caused by disorders peculiar to women and girls when not caused by natural deformities or that do not require surgical attention;" (directions on label) "For Pains—Such as Menstrual Cramp, Headaches, etc. \* \* \* Until pain is relieved."

It was alleged in the libel that the article was misbranded in that the statements on the shipping packages, individual packages, and bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 14, 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.*

**17153. Misbranding of aspirin tablets. U. S. v. 125 Dozen Bottles, et al., of Aspirin Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24530. I. S. Nos. 010761, 010762. S. No. 2819.)**

On February 17, 1930, the United States attorney for the Northern District of California, 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 125 dozen bottles and 155 dozen boxes of aspirin tablets, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the J. R. Watkins Co., from Newark, N. J., in various lots, on or about September 17, October 20, November 26, and December 24, 1929, respectively, and transported from the State of New Jersey into the State of California, 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 the tablets contained approximately 5 grains of acetylsalicylic acid (aspirin) each.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, borne on the labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Neuralgia \* \* \* Rheumatism, Sciatica, Earache \* \* \* Lumbago, Grippe, Periodic Pains, Sore Throat;" (circular accompanying bottle) "Neuralgia, Rheumatism, Sciatica, Lumbago, Grippe \* \* \* Earache, Periodic Pains, Sore Throat \* \* \* Grippe \* \* \* Rheumatism, Lumbago \* \* \* Neuralgia, Sciatica \* \* \* Earache \* \* \* Periodic Pains \* \* \* Sore Throat;" (tin box) "Grippe \* \* \* Neuralgia, Rheumatism, Sciatica, Lumbago, Earache \* \* \* Periodic Pains, Sore Throat;" (circular accompanying tin box) "Grippe \* \* \* Rheumatism, Lumbago \* \* \* Sore Throat \* \* \* Neuralgia, Sciatica \* \* \* Earache \* \* \* Periodic Pains."

On May 17, 1930, the J. R. Watkins Co., Winona, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be relabeled to conform with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17154. Misbranding of Watkin's laxative cold and grip tablets. U. S. v. 1235 Dozen Large-Sized Boxes, et al., of Watkin's Laxative Cold and Grip Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24527. I. S. Nos. 010756, 010757. S. No. 2820.)**

On February 17, 1930, the United States attorney for the Northern District of California, 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 1,235 dozen large-sized boxes and 99 dozen small-sized boxes of Watkin's laxative cold and grip tablets, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the J. R. Watkins Co., from Newark, N. J., in various consignments, on or about July 22, September 17, October 20, November 26, and December 24, 1929, respectively, and transported from the State of New Jersey into the State of