or combination of ingredients capable of producing the effects claimed: (Label on portion of bottles) "A Ready Prepared Prescription for Malaria, Chills, Chills and Fever, * * * LaGrippe, Influenza;" (label on remainder of bottles) "For Malaria, Chills, Chills and Fever;" (circular accompanying all lots) "Recent experiments and subsequent discoveries made in our laboratory enable us to guarantee greatly increased results in combatting Malaria, Chills and Fever * * * and LaGrippe. Our Improved remedy * * * '101 Tonic' is a prescription prepared especially for those suffering from * * * LaGrippe, Fever * * * Malaria, Chills and Fever, Dengue, Intermittent, Remittent and Bilious Fevers. We recommend 'No. 101' for those suffering from * * * Generally Run Down Systems * * * 'No. 101' is a sure and safe preventive for Colds, and consequently, Pneumonia, Malarial Chills, and Fever. * * * If you are not pleased with the way you are feeling, try a bottle * * * For your health's sake. * * * Don't wait too long; that tired feeling means something. That Lost Appetite doesn't just happen. There is a cause for it. Rid yourself of the poison that Is the Cause and the effect will come naturally. When sneezing begins or you feel those mosquito bites, remember you can rely upon No. 101 to help you to fight off those poisons. 'No. 101' has all the qualities of a wonderful body-building, strength-giving tonic."

On March 20, April 17, 1930, and January 10, 1931, 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.*

17463. Adulteration and misbranding of acetanilide compound tablets, acid phenylcinchoninic tablets, sulphonethylmethane tablets, elixir sodium salicylate compound, and elixir calisaya alkaloids. U. S. v. Zemmer Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 23747. I. S. Nos. 20725–x, 24029–x, 24049–x, 24081–x, 24082–x.)

Samples of drugs from the herein-described interstate shipments labeled as acetanilide compound tablets, acid phenylcinchoninic tablets, sulphonethylmethane tablets, elixir sodium salicylate compound, and elixir calisaya alkaloids, having been found to contain smaller quantities of the therapeutic agents than indicated by the labeling, and not to conform to the National Formulary, and in the cases of the acid phenylcinchoninic tablets, the elixir sodium salicylate compound, and the elixir calisaya alkaloids, to bear in the labeling certain therapeutic and curative claims not justified by their composition, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

On December 26, 1929, the United States attorney filed in the District Court of the United States for said district an information against the Zemmer Co., Pittsburgh, Pa., alleging shipment by said company in violation of the food and drugs act as amended, in part on or about March 8, 1928, and in part on or about April 26, 1928, of quantities of the above drug products which were adulterated and misbranded. The articles were labeled in part: "The Zemmer Company, Manufacturing Chemists, Pittsburgh, Pa."

It was alleged in the information that the articles were adulterated in that they fell below the professed standard and quality under which they were sold, namely: Each of the acetanilide compound tablets was represented to contain 2 grains of acetanilide and ¼ grain of caffeine, whereas each of said tablets contained approximately 1⅔ grains of acetanilide and 0.223 grain of caffeine; each of the acid phenylcinchoninic tablets was represented to contain 5 grains of acid phenolcinchoninic (phenylcinchoninic), whereas each tablet contained not more than 4.315 grains of acid phenylcinchoninic; each of the said sulphonethylmethane tablets was represented to contain 5 grains of sulphonethylmethane, whereas each of said tablets contained not more than 4.388 grains of sulphonethylmethane; each fluid ounce of the elixir sodium salicylate compound was represented to contain 40 grains of sodium salicylate, whereas each fluid ounce of the article contained not more than 35.198 grains of sodium salicylate; each fluid drachm of the elixir calisaya alkaloids was alleged to contain alkaloids representing 5 grains of calisaya bark, whereas each fluid drachm of the article contained alkaloids representing no more than 2.53 grains of calisaya bark. Adulteration of the elixir calisaya alkaloids was alleged for the further reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid in said formulary official at the time of

investigation in that it contained not more than 2.88 grams of cinchona alkaloid sulphates per 1,000 cubic centimeters, whereas said formulary provided that elixir calisaya alkaloids contain not less than 4 grams of alkaloid sulphates per 1,000 cubic centimeters and the standard of strength, quality, and purity of the article was not declared on the containers thereof.

Misbranding was alleged for the reason that the statements to wit, "Tablets * * * acetanilide 2 gr * * * caffein ¼ gr.," with respect to the acetanilide compound tablets, "Tablets Acid Phenolcinchoninic U. S. P. 5 Grains," with respect to the acid phenylcinchoninic tablets, "Tablets Sulphonethylmethane U. S. P. 5 Grs.," with respect to the sulphonethylmethane tablets; "Each fluid ounce contains sodium salicylate 40 gr.," with respect to the elixir sodium salicylate compound; and "Each fluid drachm represents calisaya bark 5 gr," with respect to the elixir calisaya alkaloids, borne on the labels of the respective products, were false and misleading in that the said statements represented that the articles contained the amounts of the said drugs declared on the labels, whereas they contained less than so declared.

Misbranding was alleged with respect to the following products for the further reason that the statements, designs, and devices regarding the therapeutic and curative effects of the articles, borne on the labels, falsely and fraudulently represented that the said acid phenylcinchoninic tablets were effective as an anti-inflammatory agent and as a treatment for gouty, rheumatic, neuralgic, and allied painful conditions, and more active than salicylates in its action in flushing out uric acid from the body; that the said elixir sodium salicylate compound was effective as a remedy for acute, subacute, articular and muscular rheumatism and gout; and that the said elixir calisaya alkaloids were effective as a remedy for some forms of stomach dyspepsia where there is a distaste for food and as a relief for the morbid state of the mucous membrane, was effective to enable the patient to digest and make use of food, and as a remedy for enterocolitis in children and as a remedy for all states of debility; whereas the said articles did not contain ingredients or medicinal agents capable of producing the effects claimed.

On June 20, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17464. Adulteration and misbranding of ether. U. S. v. 500 Half-Pound Tins of Ether. Default decree of destruction entered. (F. & D. No. 24072. I. S. Nos. 019606, 019607. S. No. 2309.)

Samples of ether from the herein-described interstate shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

On September 21, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 half-pound tins of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Ohio Chemical & Manufacturing Co., from Cleveland, Ohio, on or about July 19, 1929, and had been transported in interstate commerce from the State of Ohio into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "For Ether Anesthesia."

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 Pharmacopoeia and differed from the standard of purity as determined by the tests laid down in said pharmacopoeia, official at the time of investigation, in that it contained peroxide. Adulteration was alleged for the further reason that its purity fell below the professed standard under which it was sold, namely: (Label) "The Exceptional Purity of this Ether * * * The Exclusion of Air by Carbon Dioxide Prevents the Oxidation of Ether to Peroxides by Atmospheric Oxygen."

Misbranding was alleged for the reason that the statements appearing on the label, "The Exceptional Purity of this Ether * * * The Exclusion of Air by Carbon Dioxide Prevents the Oxidation of Ether to Peroxides by Atmospheric Oxygen," were false and misleading.