

17910. Adulteration and misbranding of ether. U. S. v. Thirty-six ½-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25633. I. S. No. 5033. S. No. 3923.)

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

On January 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty-six ½-pound cans of ether, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Brewer Co., from New York, N. Y., on or about May 29, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, or purity as determined by the test laid down in said pharmacopœia official at the time of investigation.

Misbranding was alleged for the reason that the statement on the can label, "Ether for Anesthesia—U. S. P.," was false and misleading when applied to an article containing peroxide.

On February 26, 1931, 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.*

17911. Adulteration and misbranding of codeine sulphate tablets and Fowlers solution tablets. U. S. v. 5,000 Tablets Codeine Sulphate, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24791, 24792. I. S. Nos. 027060, 027062. S. No. 3162.)

Examination of samples of the tablets from the herein-described shipments showed that the codeine sulphate tablets contained less codeine sulphate than declared on the label, and that the Fowlers solution tablets contained less arsenic than should be present in tablets containing the amount of Fowlers solution declared on the label.

On June 3, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5,000 codeine sulphate tablets and 5,000 Fowlers solution tablets at Rochester, N. Y., consigned by the C. M. Bundy Co., Indianapolis, Ind., alleging that the articles had been shipped from Indianapolis, Ind., March 20, 1930, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part, respectively: "Codeine Sulphate ¼ gr." and "Fowlers Solution 5 min."

Analyses of samples of the articles by this department showed that the codeine sulphate tablets contained 0.218 grain of codeine sulphate per tablet, and the Fowlers solution tablets contained arsenic trioxide per tablet, equivalent to 2.4 minims of Fowlers solution.

It was alleged in the libels that the articles were adulterated in that their strength fell below the professed standard under which they were sold, namely, "Codeine Sulphate ¼ gr." and "Fowlers Solution 5 min."

Misbranding was alleged for the reason that the statements appearing on the respective labels, "Codeine Sulphate ¼ gr." and "Fowlers Solution 5 min.," were false and misleading.

On January 20, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17912. Adulteration and misbranding of syrup of tar with extract of cod livers and menthol. U. S. v. 284 Bottles of Syrup of Tar with Extract of Cod Livers and Menthol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25556. I. S. Nos. 15643, 15650. S. No. 3803.)

Examination of samples of a drug product, known as syrup of tar with extract of cod livers and menthol, having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, and that

it failed to contain the characteristic vitamins of cod livers, the Secretary of Agriculture reported to the United States attorney for the District of New Jersey the herein-described shipments of a quantity of the product located in Camden, N. J.

On December 27, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 284 bottles of syrup of tar with extract of cod livers and menthol, remaining in the original unbroken packages at Camden, N. J., alleging that the article had been shipped by Shoemaker & Busch (Inc.), from Philadelphia, Pa., in part on or about November 11, 1930, and in part on or about December 10, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and 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 small proportions of tar, menthol and chloroform, alcohol, sugar, and water. Biological examination showed that the article did not contain the vitamins found in cod livers.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength and quality, "Extract of Cod Livers," whereas its strength and quality fell below such professed standard, in that it contained no extract of cod livers.

Misbranding was alleged for the reason that the design of a cod fish, and the statement "Extract of Cod Livers," appearing on the labels, were false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the wrapper and bottle labels, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper, both shipments) "Catarrh, Coughs, Bronchitis, Whooping Cough, * * * useful in the relief of certain Pulmonary diseases. * * * Bronchitis and Coughs of all kinds. It is also useful in certain conditions of Croup, Asthma and Whooping Cough;" (bottle label, shipment of December 10, 1930) "Coughing & Hoarseness Useful as a Gargle;" (bottle label, shipment of November 11, 1930) "Catarrh, Coughs, Bronchitis and certain conditions of Asthma, Croup and Whooping Cough. * * * For Coughs, Bronchitis and all Throat Irritations, use this mixture as a gargle * * * Weak children subject to cough should take a dose every night during cold and raw weather. This Syrup Is Suggested for the Relief of Various Throat Troubles. Croups, Diphtheria and Scarlet Fever usually begin with sore throat. In such cases this syrup may be of benefit to the symptoms."

On January 27, 1931, 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.*

17913. Misbranding of El-Be oral mouth wash. U. S. v. 18 Small-Sized and 10 Large-Sized Bottles of El-Be Oral Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25896. I. S. No. 27821. S. No. 4117.)

Examination of samples of a drug product, known as El-Be oral mouth wash, from the herein-described shipment having shown that the carton and bottle labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 small-sized and 10 large-sized bottles of El-Be oral mouth wash, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Whitman Pharmacy, Camden, N. J., alleging that the article had been shipped from Camden, N. J., on or about December 16, 1930, and transported from the State of New Jersey into the State of Pennsylvania, 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 guaiacol, anise oil, alcohol, and water, colored pink.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of pro-