

On or about November 2, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 516 cases, each containing 200 quarter-pound tins, and 51 cases, each containing 100 quarter-pound tins, of ether, remaining in the original unbroken packages at Bayway, N. J., alleging that the article had been shipped by the Pacific Chemical Co., from Edgewood, Md., on or about March 9, 1926, and had been transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Ether U.S.P. for Anaesthesia." The remainder of said article was labeled in part "Ether * * * for Anaesthesia * * * The best that can be made for anaesthesia * * * It is superior in vital respects to the ether of the 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 the tests laid down in said pharmacopoeia. Adulteration was alleged for the further reason that the article fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements, "The best that can be made for anaesthesia * * * It is superior in vital respects to the ether of the U. S. P.," with respect to a portion of the product and "Ether U. S. P.," with respect to the remainder, were false and misleading.

On March 13, 1931, by consent of the claimant, 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.*

17954. Misbranding of Dr. Whitehall's rheumatic remedy. U. S. v. 2½ Dozen Cartons of Dr. Whitehall's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25430. I. S. No. 11388. S. No. 3678.)

Examination of samples of a drug product, known as Dr. Whitehall's rheumatic remedy, having shown that the labels bore claims of curative and therapeutic properties which the article did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Colorado the herein-described shipment of a quantity of the product located in Denver, Colo.

On December 15, 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 two and a half dozen cartons of Dr. Whitehall's rheumatic remedy, remaining in the original unbroken packages at Denver, Colo., consigned by the Dr. Whitehall Megrimine Co., South Bend, Ind., alleging that the article had been shipped from South Bend, Ind., on or about December 9, 1930, and transported from the State of Indiana into the State of Colorado, 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 acetanilide, sodium salicylate, sugar, starch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the carton and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Remedy * * * for Rheumatism and Gout. * * * Directions. For acute or inflammatory rheumatism take a tablet every 2 to 4 hours. * * * In chronic cases, after severe symptoms have * * * for Gout, Lumbago, Stiff, Swollen and Tender Joints, Crick in the Back, Stiff Neck, and ordinary forms of Rheumatism"; (circular) "Rheumatic Remedy. For Rheumatism and Gout * * * for the benefit of Persons afflicted with Rheumatism in any of its various forms, we confidently offer * * * Rheumatic Remedy One That Can Be Relied Upon for Gout, Lumbago, Stiff, Swollen and Tender Joints, Crick in the Back, Stiff Neck, and other forms of Rheumatism * * * Rheumatism Remedy * * * Directions: For Acute Rheumatism * * * in the treatment of Chronic cases."

On January 31, 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.*