

**18070. Adulteration and misbranding of ether. U. S. v. Ninety 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25831. I. S. No. 5087. S. No. 4058.)**

Samples of ether from the shipment herein described 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 28, 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 ninety 1-pound cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Solvents & Chemical Corporation, from Albany, N. Y., on or about January 8, 1931, 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. The article was labeled in part: "Ether U. S. P. X."

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 strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P. X.," was false and misleading.

On March 30, 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.*

**18071. Misbranding of Osmo Kaolin. U. S. v. 28 Packages of Osmo Kaolin (Morson). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25824. I. S. No. 5742. S. No. 4047.)**

Examination of an alleged drug product, known as Osmo Kaolin (Morson), from the shipment herein described having shown that the labels bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 27, 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 28 packages of Osmo Kaolin (Morson) at San Juan, P. R., alleging that the article had been shipped by E. Fougera & Co. (Inc.), New York, N. Y., on or about December 12, 1930, to Porto Rico, and that it was being offered for sale and sold in Porto Rico, by Serra, Garabis & Co. (Inc.), San Juan, P. R., 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 clay.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the 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: "Internal \* \* \* is invaluable in the treatment of disorders arising from intestinal infection by bacteria, the toxins of which it has the power of absorbing to a remarkable degree. In this manner, the elimination of these toxins is readily, quickly and safely accomplished without harm to the system. It has been successfully used in the treatment of dysentery, cholera, diarrhoea, ulcerative colitis, rheumatism and gout and in intestinal stasis with its resulting toxæmias \* \* \* is employed in the preparation of Cataplasmata to remove oedema, relieve the pain and swelling of local inflammation, etc. In its dry state it is used to absorb irritant discharge."

On March 5, 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.*

**18072. Misbranding of Dr. Herst's intestinal cleanser. U. S. v. 88 Packages of Dr. Herst's Intestinal Cleanser. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25821. I. S. No. 11960. S. No. 3751.)**

Examination of a sample of a drug product, known as Dr. Herst's intestinal cleanser, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic

properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On February 2, 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 88 packages of Dr. Herst's intestinal cleanser, remaining in the original unbroken packages at Denver, Colo., consigned by the Health Food Laboratories, Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about May 12, 1930, and had been transported from the State of Missouri 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 it consisted essentially of ground plant material including senna, alfalfa, glycyrrhiza, chamomile, and anise.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, 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: "Intestinal Cleanser Prepared for the Treatment of Constipation, Acidosis, Colitis, Stomach and Intestinal Troubles. A Non-Gripping Natural Cleanser \* \* \* Compounded \* \* \* for the purpose of thoroughly cleansing the intestines and colon of all poisonous waste material. Dr. Herst's intestinal cleanser has \* \* \* action with no \* \* \* harmful effect. \* \* \* In chronic constipation \* \* \* Life, Health, Energy."

On March 24, 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.*

**18073. Misbranding of antiseptic Konoids. U. S. v. 19 Dozen Packages of Antiseptic Konoids. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25800. I. S. No. 19803. S. No. 4014.)**

Examination of a drug product, known as antiseptic Konoids, from the shipment herein described having shown that the box label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess and that it was labeled as complying with the Federal food and drugs act, whereas it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On January 24, 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 19 dozen packages of antiseptic Konoids, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the Konoid Co., from New Orleans, La., on or about September 10, 1930 (part shipped about October 11, 1930), and had been transported from the State of Louisiana into the State of Texas, 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 tannin, salicylic acid, and boric acid in a base of theobroma oil.

It was alleged in the libel that the article was misbranded in that the following statement appearing on the box containing the said article, was false and misleading: "Guaranteed \* \* \* under the Food and Drugs Act, June 30, 1906, Serial No. 35246." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box) "Effective \* \* \* Treatment for many forms of Female Disturbances;" (circular) "Treatment in Female Disturbances, such as leucorrhoea, catarrhus, purulent and infectious secretions, inflammation of the genital organs, pruritus vulvae and kindred affections. \* \* \* beneficial in self treatment of local disorders. \* \* \* They are made of \* \* \* medicaments, which restore and preserve a healthy and vigorous condition of the genital organs, thereby imparting vitality to the whole system. Relaxed muscles and enervated tissues are toned up and strengthened, inflammation is subdued, \* \* \* Leucorrhoea in a virulent and acrimonious state is infectious, not to mention other diseases communicable by inoculation. As a remedy the use of Konoids will be found to be efficacious. \* \* \* Realizing that nine-