

tion of the samples, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of eighty $\frac{1}{4}$ -pound cans, one hundred and thirty $\frac{1}{2}$ -pound cans, and forty-nine 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., in various consignments, on July 15, July 19, July 25, and November 22, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P." or "Ether U. S. P."

It was alleged in the libels 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 the investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statements on the labels, "Ether U. S. P." or "Ether * * * U. S. P.," were false and misleading.

On April 20, 1931, Merck & Co. (Inc.), St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18186. Adulteration of ether. U. S. v. Fifty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25087. I. S. No. 7347. S. No. 3368.)

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 Northern District of Alabama.

On August 29, 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 fifty 1-pound cans of ether, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by the Mallinckrodt Chemical Works from St. Louis, Mo., on or about January 3, 1930, and had been transported from the State of Missouri into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

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 said pharmacopoeia.

On March 14, 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.*

18187. Misbranding of Ac-Ac. U. S. v. 4½ Dozen Bottles of Ac-Ac. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25148. I. S. No. 7400. S. No. 3409.)

Examination of a drug product, known as Ac-Ac, from the shipments herein described having shown that the bottle label contained 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 Southern District of Mississippi.

On September 17, 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 four and one-half dozen bottles of Ac-Ac, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Approved Formulas Corporation, Birmingham, Ala., in part on or about April 11, 1930, and in part on or about May 21, 1930, and had been transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The bottles containing the article were labeled in part: "Ac-Ac * * * For Influenza * * * For Pains of Any Character."