

18458. Misbranding of Guntone. U. S. v. 12 Bottles of Guntone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25814. I. S. No. 8478. S. No. 4037.)

Examination of a drug product, known as Guntone, from the shipment herein described having shown that the carton and bottle labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that the article contained alcohol and the label failed to bear a statement of the quantity of alcohol contained therein, the Secretary of Agriculture reported the matter to the United States attorney for Western District of Texas.

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 12 bottles of Guntone at San Antonio, Tex., alleging that the article had been shipped by the Ellis-Jones Drug Co., from Memphis, Tenn., on or about June 13, 1930, and had been transported from the State of Tennessee 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 iodine, salicylic acid, phenol, a zinc compound, and small proportions of chloroform, camphor, thymol, and formaldehyde.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels and in the circular, were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle) "Guntone * * * A treatment and preventative for Pyorrhea, Gingivitis, or Soft Spongy Gums;" (carton) "Guntone * * * Heals and soothes tender gums. * * * Tones up the gums. * * * A treatment and preventative for Pyorrhea, Gingivitis and Soft Spongy Gums;" (circular) "Pyorrhea (Riggs Disease) * * * Soft Sore Gums * * * Trench Mouth * * * Preventative for gum trouble * * * Vincents Angina."

On June 6, 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.*

18459. Adulteration and misbranding of ether. U. S. v. Twelve 1-Pound Cans, et al., of Ether. Default decree of sale or destruction. (F. & D. No. 25740. I. S. Nos. 20527, 20528, 20533. S. Nos. 3954, 3956.)

Samples of ether from the shipments 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 Ohio.

On January 15, 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 twelve 1-pound cans and eight 5-pound cans of ether at Cleveland, Ohio, alleging that the article had been shipped by Merck & Co., Rahway, N. J., in various consignments on or about July 2, July 25, and November 29, 1930, and had been transported from the State of New Jersey into the State of Ohio, 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."

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 for Anesthesia U. S. P.," was false and misleading.

On May 16, 1931, no claimant having appeared for the property, a decree was entered finding the product adulterated and misbranded and liable to condemnation and confiscation, and it was ordered by the court that it be sold under such terms and conditions as would not violate the Federal food and drugs act, and that upon failure to so dispose of the product it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*