

bottle, and counter display represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On October 22, 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 5½ dozen bottles of Lung Saver (cough syrup), remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lung Saver Co., from Philadelphia, Pa., on or about September 9, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, 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 chloroform (2.65 minims per fluid ounce), anise oil, licorice, sugar, and water.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (carton and bottle labels) "Chloroform 7 minims per fluid ounce."

Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping carton containing a dozen bottles) "Lung Saver The Good Cough Syrup The Lung Saver Co.;" (bottle label) "Lung Saver \* \* \* The Lung Saver Co. \* \* \* Lung Saver for Coughs \* \* \* Hoarseness, Bronchitis, Grippe, Tightness of the Chest, Asthma \* \* \* Whooping Cough and Croup \* \* \* For Asthma and Bronchitis;" (counter display) "Lung Saver The Good Cough Syrup \* \* \* Lung Saver Cough Syrup for \* \* \* Croup, Coughs, Whooping Cough, Tightness and Soreness on the breast, Asthma, Bronchitis, Grippe and Hoarseness \* \* \* Why Cough? Use Lung Saver The Good Cough Syrup;" (molded in bottle) "Lung Saver The Good Cough Syrup The Lung Saver Co. Phila. Pa. U. S. A."

On April 20, 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.*

**18462. Misbranding of Zhongiva. U. S. v. 4 Dozen Bottles of Zhongiva. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25766. I. S. No. 27813. S. No. 4040.)**

Examination of a drug product, known as Zhongiva, having shown that the bottle and carton labels and accompanying booklet bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Delaware the shipment herein described, involving a quantity of the product located at Wilmington, Del.

On January 20, 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 4 dozen bottles of Zhongiva, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the John H. Wood Co., from Philadelphia, Pa., on or about January 10, 1931, and had been transported from the State of Pennsylvania into the State of Delaware, 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 zinc chloride, extracts of plant drugs, volatile oils including clove oil and methyl salicylate, glycerin, alcohol, and water, colored with red dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Recommended for the prevention of wasting of the Gums and loosening of the Teeth, and for the relief of painful erupting Wisdom Teeth, and the suffering of children teething. \* \* \* For receding gums, \* \* \* For painful erupting wisdom teeth and other local inflammations;" (carton) "For Recession of the Gums, Pyorrhea and Acute Inflammatory Conditions;" (booklet) "In the treatment of stomatitis, in its many varied forms, which daily come under the observation of the dentist, he must be guided

broadly in his diagnosis by the symptology of the case. Zhongiva, being reconstructive, has a very potent and distinctive therapeutic value; \* \* \* Its therapy is strongly indicated in pyosis, incipient pyorrhea, interstitial gingivitis, pericementitis, peridental inflammation, \* \* \* receding, spongy tissues, looseness of the teeth, \* \* \* in cases of pyogenesis, use full strength. Zhongiva clears up the pathologic condition and hastens the amelioration of the tissues to a normal stage of restoration. It relieves the painful eruptions of the 6th and 12th year molars, also the wisdom teeth. \* \* \* It is an excellent alterative when used by children and adults suffering from inflamed and bleeding gums, \* \* \* used as a gargle for sore throat."

On April 20, 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.*

**18463. Adulteration and misbranding of ether. U. S. v. 125 One-Half Pound Cans of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25645. I. S. No. 4995. S. No. 3934.)**

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 Maine.

On January 8, 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 125 half-pound cans of ether, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by Merck & Co. (Inc.), from New York, N. Y., on or about July 19, 1930, and had been transported from the State of New York into the State of Maine, 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 "Ether for Anesthesia, U. S. P." on the label, was false and misleading.

On March 30, 1931, Merck & Co. (Inc.), Rahway, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, or the deposit of cash in like amount, conditioned in part that it be made to comply with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18464. Misbranding of Pycopé. U. S. v. 2 Gross Cans of Pycopé. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 25590. I. S. No. 19807. S. No. 3837.)**

Examination of a drug product, known as Pycopé, having shown that the label of the tin container and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Texas the interstate shipments herein described, involving a quantity of the article at Beaumont, Tex.

On December 30, 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 gross cans of Pycopé, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by Pycopé (Inc.), from Joplin, Mo., in part on September 6, 1930, and in part on November 10, 1930, and had been transported from the State of Missouri 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 sodium chloride, sodium carbonate, sodium bicarbonate, borax, calcium carbonate, compounds of iron, aluminum, and magnesium, and flavoring materials.