

and had been transported from the State of New York into the State of Pennsylvania, 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 petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor oil, and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * *. It is good for Rheumatism, Lumbago, Neuralgia, Colic and Cramps, Headache, Earache, Cold in the Chest and Lungs, * * * Gout, Sore Throat, * * * Aching Feet, Inflammation * * *. A pain killer that will relieve these afflictions is an absolute necessity to everybody. It is the best safeguard against suffering from Accidents * * *. If after using it a few times the pains are still lingering, apply to the affected parts a cloth wrung out in hot water and afterwards the Liniment is applied until relief is experienced;" (bottle label) For " * * * Rheumatism, Neuralgia, Headache, Backache * * * Lameness, Bunions, Chilblains, Colic And All Bodily Pains. * * *. This Liniment is used for strengthening weak back or limbs, and healing bodily pains and inflammations. * * *. In protracted pain a cloth moistened with the Liniment may be applied until relief is experienced;" (circular) "For Rheumatic and other pains in the joints, lower limbs or hips, apply Jones' Liniment * * *. Apply a cloth saturated with the Liniment to reduce inflammation and swelling. * * *. For Backache, pains in the sides, shoulders, stiff neck and joints, apply the Liniment * * *. For Neuralgia in the head, keep the temples bound up with a linen cloth saturated with Jones' Liniment, and apply it to the back of the neck and ears. * * *. For Nervous Headache, apply Jones' Liniment to the forehead, back of neck, behind ears, and inhale the fumes. For Sciatica * * *. For Sore Throat and Quinsy * * *. For Earache, * * *. For * * * Swellings * * *. For Pains in Chest and Lungs * * *. For Bunions * * *. For Corns * * *. For * * * Weak Joints and Ankles * * *. For Colic, Cramps, Cholera Morbus and other internal pains * * * swellings, cracked heels * * * scratches, cramps or contraction of the muscles, sore throat, colic, distemper, epizootic * * * and other diseases that can be reached by external application * * *. For The Flu, Cough * * * Bronchitis * * * will * * * relieve * * * catarrhal conditions."

On October 21, 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.*

18735. Adulteration and misbranding of Germ-Elim. U. S. v. Thirty-six 4-Ounce Bottles, et al., of Germ-Elim. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26210. I. S. No. 24777. S. No. 4509.)

Examination of a product, known as Germ-Elim, from the herein-described shipments showed that its strength was below the professed standards of "germ eliminator" and "preventer" and contained no ingredients capable of producing certain curative and therapeutic effects as claimed on the label.

On April 8, 1931, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of thirty-six 4-ounce bottles and forty-six 10-ounce bottles of Germ-Elim, remaining in the original packages at St. Louis, Mo., alleging that the article has been shipped in interstate commerce from Belleville, Ill., into the State of Missouri, in part by the Creolina Chemical Co., on or about February 15, 1931, and in part by the Germ-Elim Co., on or about March 2, 1931, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Germ-Elim by this department showed that it consisted essentially of guaiacol (1.2 per cent), sodium hypophosphite (0.98 per

cent), sugars, and water, flavored with methyl salicylate. Bacteriological examination showed that the product was not antiseptic.

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, "Germ Eliminator" and "Prevents germs."

Misbranding was alleged for the reason that the statements on the label, "Germ-Elim," "Germ Eliminator," and "Prevents germs," were false and misleading. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Stop Pain or Bleeding * * * Being an anodyne it stops pain. * * * Sores, Boils * * * Skin Diseases * * * Eczema and Ulcers * * * Cuts * * * Cramps, Indigestion, Stomach or Period Cramps * * * Grippe, Catarrh, Sinus Trouble and Hay Fever * * * Sore and Bleeding Gums, Relief for Pyorrhea * * * Stops Pain, Heals Quickly * * * Teeth and Gums—To preserve * * * Germ-Elim used liberally on tooth brush instead of tooth paste * * * prevents germs, makes healthy gums. * * * Sore Throat and Tonsillitis * * * Earache * * * Repeat until relieved."

On June 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.*

18736. Adulteration and misbranding of ether. U. S. v. 69 Quarter-Pound Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26365, 26367. I. S. Nos. 8417, 8420. S. Nos. 4699, 4702.)

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 Eastern District of Louisiana.

On May 15 and May 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 69 quarter-pound cans and thirteen 1-pound cans of ether, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Merck & Co., in part from St. Louis, Mo., on or about January 31, 1931, and in part from New York, N. Y., on or about February 7, 1931, and had been transported from the States of Missouri and New York, respectively, into the State of Louisiana, 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." The remainder of the article was labeled in part: "Ether for Anesthesia 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 tests laid down in the said pharmacopoeia, and its own standard was not stated on the labels.

Misbranding was alleged for the reason that the statements on the label, "Ether U. S. P." and "Ether For Anesthesia U. S. P.," as the case might be, were false and misleading.

On June 15, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18737. Misbranding of Hepatona. U. S. v. 36 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26368. I. S. No. 5776. S. No. 4706.)

Examination of a drug product, known as Hepatona, from the shipment herein described having shown that the bottle label and the accompanying circular, bore statements representing that the article possessed curative or therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On May 22, 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 36 bottles of Hepatona, alleging that the article had been shipped by H. K. Mulford & Co., Philadelphia, Pa., on or about February 26, 1931, to San Juan, P. R., and was being sold and offered for sale in Porto Rico by