

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 calcium glycerophosphate, sodium glycerophosphate, phosphoric acid, material derived from nux vomica, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Circular) "As a reconstructive tonic in all ailments of the nervous system; in Anemia, Chlorosis, Sexual Impotence and Debility, Phosphaturia, Athrepsia, Pellagra, Chronic Dyspepsia, Secondary Anemia, Menstrual Disturbances, Rachitis, Osteomalacia, General Debility \* \* \* it is of exceptional value in Diabetes, Albuminuria, Chronic Nephritis and General Paralysis. \* \* \* While a deficiency of phosphorus is manifested by different pathological conditions in different individuals, generally speaking, this lack is soon followed by interrupted growth, a lessening in healthy nutrition, and a diminution in the number of red cells in the blood, which leads to various conditions, such as anemia, chlorosis, metabolic diseases, and many other asthenic forms which accompany lowered resistance and impaired nutrition and growth. \* \* \* Phosphorcin is an elementary phosphorus of high assimilability. \* \* \* Phosphorcin supplies a scientific method of administering phosphorus in a form that will be quickly absorbed and properly assimilated by the body cells. \* \* \* highly efficient one in the treatment of depressed conditions of the nervous system, as well as in the convalescent period following neurasthenia, influenza and other febrile diseases."

On June 5, 1931, no claimant having appeared for the property, judgment of condemnation 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.*

**19362. Adulteration of ether. U. S. v. 40 Cans of Ether. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27056. I. S. No. 36873. S. No. 5303.)

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 Middle District of Alabama.

On October 10, 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 40 cans of ether, remaining in the original unbroken packages at Montgomery, Ala., consigned about September 22, 1931, alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., 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 tests laid down in the said pharmacopoeia.

On December 18, 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.*

**19363. Misbranding of Ward's roup and white diarrhoea remedy, Ward's medicated poultry tonic, Ward's kidney and backache pills, Ward's stock tonic, and Ward's kidney and bladder medicine. U. S. v. 3 Packages of Ward's Roup and White Diarrhoea Remedy, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 26290, 26291, 26292, 26293, 26294. I. S. Nos. 24557, 24558, 24559, 24560, 24561. S. No. 4572.)

Examination of the drug products involved in this action showed that the labels contained statements representing that the articles possessed curative the therapeutic properties which, in fact, they did not possess. The Ward's medicated poultry tonic failed to declare the presence of sodium sulphate in the statement of ingredients declared on the label; the labeling of the Ward's stock tonic contained unwarranted claims for the effectiveness of the article in increasing milk production and in fattening cattle.