19452. Adulteration and misbranding of fluidextract of ginger. U. S. v. Leo B. Dreyfoos and Irving S. Wolf (Queen City Distributing Co.). Plea of guilty by Leo B. Dreyfoos. Fine, $50. Nolle prosequi entered as to Irving S. Wolf. (F. & D. No. 25710. I. S. No. 035405.)

Examination of samples of fluidextract of ginger represented to be a pharmacopoeial product showed that the article contained an oil similar to castor oil, which is not mentioned in the United States Pharmacopoeia as a constituent of fluidextract of ginger. The labeling of the article bore unwarranted curative and therapeutic claims.

On May 15, 1931, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Leo B. Dreyfoos and Irving S. Wolf, formerly copartners trading as the Queen City Distributing Co., Cincinnati, Ohio, alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about February 27, 1930, from the State of Ohio into the State of Louisiana, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: (Bottle) "C. Q. Brand Fluid Extract of Ginger U. S. P. * * * For Cramps, Diarrhoea, * * * and externally for Toothache. * * * Packed by The Queen City Distributing Co., Cincinnati, Ohio."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it was a product composed in part of an oil similar to castor oil, which is not mentioned in the pharmacopoeia as a constituent of fluidextract of ginger; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of ginger which conformed to the standard laid down in the pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement "Fluid Extract of Ginger, U. S. P.," borne on the label, was false and misleading in that the said statement represented that the article was fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the article was composed in part of an oil similar to castor oil, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and sold under the name of another article, to wit, fluidextract of ginger, U. S. P. Misbranding was alleged for the further reason that certain statements appearing on the bottle label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it would be effective, among other things, as a treatment, remedy, and cure for cramps, diarrhoea, and toothache, whereas it contained no ingredients or medicinal agents effective as a treatment, remedy, or cure for cramps, diarrhoea, or toothache.

On April 15, 1932, Leo B. Dreyfoos entered a plea of guilty to the information, and the court imposed a fine of $50 against the said defendant. On June 20, 1932, a nolle prosequi was entered as to Irving S. Wolf.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19453. Adulteration and misbranding of Oxylene paste, and misbranding of Oxylene liquid. U. S. v. 259 Dozen Packages of Oxylene Paste, et al. Decrees of condemnation entered. Oxylene paste destroyed. Oxylene liquid released under bond. (F. & D. Nos. 25833, 25834. I. S. Nos. 8487, 8488, 8489. S. No. 3893.)

Examination of samples of Oxylene paste and Oxylene liquid from the shipments herein described showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed for them on the labels. The labeling of the Oxylene paste represented that the article would inhibit germs, whereas it would not.

On February 3, 1931, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 259 dozen packages of Oxylene paste, and 41 dozen packages of Oxylene liquid at San Antonio, Tex., alleging that the articles had been shipped by Hance Bros. & White (Inc.), from Philadelphia, Pa., in various

consignments on or about June 15, 1928, May 6, and June 6, 1930, and had been transported from the State of Pennsylvania into the State of Texas, and charging adulteration and misbranding of the said Oxylene paste, and misbranding of the said Oxylene liquid, in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Oxylene paste consisted essentially of calcium carbonate, clay, powdered ipecac, volatile oils including menthol, clove oil and anise oil, a gum, glycerin, sugar, and water, and Oxylene liquid consisted essentially of coar-tar oil, capsicum oleoresin, phenols including guaiacol and methyl salicylate, other volatile oils including clove oil, sassafras oil, and turpentine oil, ether, alcohol (by volume 20.2 per cent), and water. Bacteriological examination of the Oxylene paste showed that it was not antiseptic.

Adulteration was alleged in the libel with respect to the Oxylene paste for the reason that its strength fell below the professed standard under which it was sold, in that the carton was labeled "Inhibits Germs," whereas the article was not antiseptic.

Misbranding of the said Oxylene paste was alleged for the reason that the statement on the carton, "Inhibits Germs," was false and misleading. Misbranding was alleged with respect to both products for the reason that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent: (Oxylene paste, tube) "Pyorrhea Specific * * * Pyorrhea Alveolaris and Diseases of the Gums. Oxylene is superlative in the treatment of soft, sore, bleeding or receding gums * * * Will assist loose teeth to tighten up;" (Oxylene paste, carton) "Pyorrhea Specific * * * Pyorrhea Alveolaris and diseases of the gums. Oxylene is superlative in the treatment of receding, spongy or bleeding gums, * * * and will assist loose teeth to tighten up, * * * hardens the gums * * * Prevents Pyorrhea;" (Oxylene liquid, bottle label and wrapper) "A specific for Pyorrhea Alveolaris, Gingivitis, and all diseased conditions of the gums."

On April 15, 1932, the Noa Spears Co., San Antonio, Tex., having intervened and filed an answer and claim in the case against the said Oxylene liquid and having admitted the allegations contained in the libel filed against the said product, judgment of condemnation 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 $250, conditioned in part that it be relabeled and that it should not be disposed of in violation of the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession. On the same date the said claimant having withdrawn an intervention filed in the case against the Oxylene paste, and no other person having interposed a claim for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said Oxylene paste be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19454. Adulteration and misbranding of ergot ampuls. U. S. v. Endo Products (Inc.). Plea of guilty. Fine, $100. (F. & D. No. 26619. I. S. No. 15818.)

Samples of ergot ampuls shipped in interstate commerce as herein described were found to contain approximately one-sixth of the therapeutically important principles of ergot required by the United States Pharmacopoeia for fluid extract of ergot.

On March 30, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Endo Products (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about January 9, 1931, from the State of New York into the State of New Jersey, of a quantity of ergot ampuls that were adulterated and misbranded. The article was labeled in part: (Box) "Twelve Ampoules for intramuscular or subcutaneous Use;" (ampul) "Ergot U. S. P. X. Purified Sterile * * * Endo Products, Inc. New York."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigations, since the article, when administered by intramuscular injection to single-