

1931, and had been transported from the State of Pennsylvania into the State of New York, 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 extracts of plant drugs including ipecac, chloroform, alcohol, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle label and carton were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lung Healer * * * For the Treatment of Coughs, Spasmodic Croup, Hoarseness, Bronchitis, Whooping Cough and Bronchial Asthma;" (carton) "Lung Healer * * * for the treatment of Coughs, * * * Bronchitis, Bronchial Asthma, Whooping Cough and Spasmodic Croup. * * * this famous remedy is to relieve the specified ailments—lung trouble."

On November 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.*

19504. Alleged adulteration and misbranding of fluidextract ergot. U. S. v. Eighty-four 4-Ounce Bottles of Fluidextract Ergot. Libel ordered dismissed and product restored to claimant. (F. & D. No. 26197. I. S. No. 25857. S. No. 4526.)

A sample of fluidextract of ergot from the shipment herein described was found to have a potency of approximately one-half that required by the United States Pharmacopoeia for the drug. Examinations of other samples made after the filing of the libel, appearance of claimant, and the entry of consent decree showed that the article met the pharmacopoeial requirements.

On or about April 10, 1931, the United States attorney for the Northern District of Illinois, 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 eighty-four 4-ounce bottles of the said fluidextract ergot at Chicago, Ill., alleging that the article had been shipped by Eli Lilly & Co., from Indianapolis, Ind., January 6, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

The libel charged that the article was adulterated in that it was sold under the name of "Ergot," a name recognized in the United States Pharmacopoeia, and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the container.

It was further charged in the libel that the article was misbranded in that the statements on the label, "Fluid Extract * * * Ergot U.S.P. * * * Physiologically Standardized—1 cc. represents 1 Gm. of drug," were false and misleading.

On May 7, 1931, for the purpose of joint assay of the ergot by the Food and Drug Administration and the claimant, Eli Lilly & Co., Indianapolis, Ind., appeared as claimant and consented to the entry of an interlocutory decree of condemnation and forfeiture. The ergot was jointly assayed by Eli Lilly & Co. and the Food and Drug Administration, and found to be in compliance with the act.

On February 29, 1932, a final decree was entered finding the ergot to be in compliance with the food and drugs act, and the bond was canceled and the cause dismissed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19505. Adulteration and misbranding of fluidextract of ginger. U. S. v. Elk Manufacturing Co. Plea of guilty. Fine, \$50. (F. & D. No. 26576. I. S. No. 030572.)

This case was based on the interstate shipment of a quantity of fluidextract of ginger which was represented to conform to the requirements of the United States Pharmacopoeia. Samples examined were found to contain rosin and phenolic compounds, which are not normal constituents of fluidextract of ginger, and also were found to contain less alcohol than declared on the label.

On August 27, 1931, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information