

represented that the article was effective as a treatment, remedy, and cure for rheumatism, sick and nervous headache, coughs, sore throat, diphtheria and croup, toothache, old sores, spinal affections, lame back, earache, contracted cords and muscles, corns, cramps, and colic pains, diarrhoea, gravel and kidney complaint; and in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing in an accompanying circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sore throat, diphtheria, cramps, toothache, lame back, spinal affections, contracted cords and muscles, earache, corns, cramp or colic pains, diarrhoea, kidney complaints, pain in the breast and hoarseness; and effective as a treatment, remedy, and cure for chronic inflammatory rheumatism, sick and nervous headache, coughs, consumption and bronchial affections, catarrh, croup, fever and ague, dyspepsia, lame back of long standing, gravel, piles, and bunions.

On January 7, 1933, the defendant entered a plea of guilty to the information, and on January 31, 1933, the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20572. Adulteration and misbranding of fluidextract of ergot. U.S. v. Seven 1-pint Bottles of Fluidextract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29004. Sample no. 20454-A.)

This action involved a quantity of a product represented to be fluidextract of ergot of pharmacopoeial standard, and which upon examination was found to possess a potency of not more than one half of that required by the United States Pharmacopoeia for the article. The product, because of its low potency, would not produce certain therapeutic effects claimed in the labeling.

On October 6, 1932, the United States attorney for the District of New Jersey, 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 seven 1-pint bottles of fluidextract of ergot, remaining in the original unbroken packages at Bayonne, N.J., alleging that the article had been shipped in interstate commerce on or about August 20, 1932, by the Chermak Drug Co., of Bayonne, N.J., from the Imperial Drug Exchange, New York, N.Y., to Bayonne, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fluid Extract Ergot, U.S.P. * * * American Pharmaceutical Co., Inc. New York, N.Y."

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, "Fluid Extract Ergot", and differed from the standard of strength as determined by the test laid down in the pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the following statement on the label was false and misleading: "Fluid Extract Ergot U.S.P. * * * Physiologically Standardized." Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Action—A powerful stimulant of involuntary muscles especially those of the uterus. An active vaso-constrictor and circulatory stimulant. Uses—Checks postpartum hemorrhage by contracting the uterus. As a routine prophylactic measure post-partum hemorrhage. For the relief of menorrhagia, metrorrhagia, some forms of dysmenorrhea, and atonic conditions of the reproductive organs. Also as a circulatory stimulant. Dose—Average U.S.P.—30 minims (2cc.)."

On November 22, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20573. Adulteration and misbranding of fluidextract of ergot. U.S. v. Three 1-Pint Bottles of Fluidextract Ergot. Default decree of condemnation and destruction. (F. & D. no. 29805. Sample no. 21637-A.)

This action involved a shipment of fluidextract of ergot, represented to be of pharmacopoeial standard and which was found upon examination to have a potency of about one third of that required by the United States Pharmacopoeia for fluidextract of ergot.