and therapeutic effects of the article, were false and fraudulent: (Bottle) "Serviceable in the treatment of weakness, run-down conditions"; (carton) "In the treatment of weak, run-down conditions of the System."

On May 28, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22343. Misbranding of Ergot-Apiol A. P. C. U. S. v. 15 Packages of Ergot-Apiol A. P. C. Default decree of condemnation and destruction. (F. & D. no. 31982. Sample no. 66241-A.)

Examination of the drug product involved in this case showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label. The label of the article purported to state the formula, and failed to declare the presence of powdered ergot, an active ingredient.

On or about February 15, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages of Ergot-Apiol A. P. C. at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about December 14, 1933, by the American Pharmaceutical Co., Inc., from New York, N. Y., 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 powdered ergot and other material derived from plants including aloin, a nonvolatile oil such as apiol, and a volatile oil such as savin oil. Biological examination indicated the presence of active ergot alkaloids.

It was alleged in the libel that the article was misbranded in that the statement on the tin container, "Formula: Ergotin Bonjean, Apiol, Aloin Oil Rue, Oil Savin", was false and misleading, since it contained powdered ergot, an active ingredient, not stated in the formula. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Tin container) "Usual dosage from one to two capsules three times a day. Prepared for use under physician's direction in the treatment of amenorrhea, dysmenorrhea and menstrual disorders."

On April 12, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22344. Adulteration and misbranding of whisky. U. S. v. 215 Cartons and 49 Cartons of Old Nectar Whiskey. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32001. Sample no. 43062-A.)

This case involved a shipment of a product labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The package failed to bear on its label a statement of the percentage by volume of alcohol in the article, and the label bore unwarranted claims regarding its medicinal properties. The article was labeled in part: "Old Nectar Whiskey. A Blend Frankfort Distilleries, Incorporated. Louisville, Kentucky Baltimore, Maryland."

On or about February 17, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 215 cartons each containing 24 pint bottles, and 49 cartons each containing 12 quart bottles of whisky, at Baltimore, Md., alleging that the article had been shipped in interstate commerce, by the Milligan Midtown Warehouse, from New York, N.Y., into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it was sold under a name, "Whiskey", recognized in the United States Pharmacopoeia, and differed in strength, quality, and purity from the requirements of that authority, in that it contained less alcohol, less acid, and less esters than are required by the pharmacopoeia, and in that it contained caramel not permitted by the pharmacopoeial specifications.

Misbranding was alleged for the reason that the statement on the label, "Standard ℞ of Quality", was false and misleading, since it did not meet

the official standard for medicinal whisky. Misbranding was alleged for the further reason that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained therein, since neither the carton nor principal bottle label carried a declaration of alcohol in any form, and the statement, "90 Proof", on the reverse bottle label, does not constitute a declaration of alcohol as required by law. Misbranding was alleged for the further reason that the following were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Medicinal Properties of Whiskey. An easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods, beneficial to weakly persons, more especially in the extremes of life. Sudorific power resulting from its relaxation or peripheral circulation has given spiritus frumenti hgh favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as corysa, rhinitis, bronchitis, influenza and other nasal laryngeal, bronchial and lobar affections."

On March 3, 1934, the Frankfort Distilleries, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $5,000, conditioned that it should not be sold or disposed of until relabeled in a manner approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22345. Misbranding of Sweetrest Tablets and Naturade Tablets. U. S. v. 30 Packages of Sweetrest Tablets and 86 Packages of Naturade Tablets. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31978, 31979. Sample nos. 59649–A, 59650–A.)

Examination of the drug products involved in these cases showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On February 15, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 packages of Sweetrest Tablets and 86 packages of Naturade Tablets at Chicago, Ill., alleging that the articles had been shipped in interstate commerce by the Sweetrest Co., the former on or about June 5, 1933, from Cedar Rapids, Iowa, and the latter on or about December 13, 1933, from Chelsea-on-Hudson, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Sweet Rest Co., St. Louis, Mo.", "Sweetrest Company, Evanston, Ill.", or "Sweetrest Company, Cedar Rapids, Iowa."

Analyses of samples of the articles by this Department showed that the Sweetrest Tablets contained 5 grains of acetylsalicylic acid each, and that the Naturade Tablets consisted essentially of phenolphthalein, extracts from plant drugs including nux vomica, and a laxative drug and calcium sulphate.

It was alleged in the libels that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Sweetrest Tablets, tin) "Sweetrest * * * Relieve Pain Sweetrest for Fever, Lumbago, Toothache, Earache, Grippe, Rheumatism. * * * Sweetrest * * * Dose: 1 to 2 tablets, repeated in an hour if necessary. Children over 5 yrs. ½ to 1 tablet, according to age. Wherever the pain, Whatever the cause, they bring relief"; (Sweetrest Tablets, circular) "Sweetrest Relieves Pain * * * for the relief of pain * * * Rheumatism, La Grippe, Backache, * * * Special Directions for Use of 'Sweetrest' * * * Toothache, Earache, or any condition where pain is severe—Dose: 1 to 2 tablets, repeat in an hour if necessary. Sweetrest—For Miserable Days * * * Grippe, Influenza, Fever—Dose: 1 tablet every 2 or 3 hours until relieved. Sweetrest—For Sleepless Nights Rheumatism, Lumbago, Sciatica, Neuritis, Joint Pains—Dose: 1 to 2 tablets 3 or 4 times daily. Sweetrest—is dependable Periodic Pains—Dose: 1 to 2 tablets every 3 or 4 hours as required. Sweetrest for Children"; (Naturade Tablets, tin) "Brings a Feeling of Youth * * * Act on Stomach, Liver, Kidney and Bowels Useful and beneficial for * * * elimination and in the treatment of liver complaints, dizziness, Malaria, foul breath, indigestion, sick headache, rheumatism and skin diseases. * * * Dose—One-half to one tablet on retiring. Children, One-fourth to one-half tablet. * * * 'Naturade For Health'"; (Naturade Tablets, circular) "Brings a Feeling of Youth * * * acts on the Stomach, Liver, Kidney and Bowels. Useful