

alleging that the article had been shipped by the P. McConnell Co., from Los Angeles, Calif., on or about January 25, 1929, and had been transported from the State of California into the State of Georgia, 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 the tablets contained acetylsalicylic acid, acetphenetidin, extracts of plant drugs including a laxative drug, and capsicum.

The article was labeled in part: (Carton) "For * * * Rheumatism * * * grippe, influenza * * * earache, neuritis, neuralgia, periodical pains, fever, 1 or 2 tablets first dose followed by 1 tablet each hour or each two hours as required;" (circular) "For * * * rheumatism, grippe, influenza, * * * earache, neuritis, neuralgia, periodical pains, fever 1 or 2 tablets first dose followed by 1 tablet each hour or each two hours as required. * * * For * * * grippe or influenza (flu) drink lots of water and eat lightly."

It was alleged in the libel that the article was misbranded in that the above-quoted statements appearing on the carton labels and in the accompanying circulars were false and fraudulent, in that the said statements were applied to the article so as to represent falsely and fraudulently to the purchaser and to create in the mind of the purchaser the impression and belief that it was composed of or contained ingredients or medicinal agents effective to produce the curative and therapeutic effects set forth therein.

On June 27, 1929 and May 10, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17796. Adulteration of ether. U. S. v. 184 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24700. I. S. No. 017167. S. No. 3027.)

Samples of ether from the herein-described interstate shipment having been found to contain peroxide, indicating deterioration, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On April 7, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 184 quarter-pound cans of ether, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Mallinckrodt Chemical Works, New York, N. Y., on or about September 11, 1929, and had been transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act.

Examination of a sample of the article by this department showed that the ether contained peroxide.

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 purity as determined by the test laid down in said pharmacopoeia, in that it contained peroxide.

On October 6, 1930, 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.*

17797. Misbranding of Standard cough and cold compound and Standard system tonic. U. S. v. 26 Bottles of Standard Cough and Cold Compound, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 24937, 24938. I. S. Nos. 5405, 5406. S. No. 3275.)

Examination of samples of the herein-described drug products having shown that the labels bore claims of curative or therapeutic properties that the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On August 4, 1930, the said United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, libels praying seizure and condemnation of 26 bottles of Standard cough and cold compound and 123 bottles of Standard system tonic, alleging that the articles were being offered for sale in the District of Columbia at the premises of the Standard Remedy Co. (Inc.), Washington, D. C., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Standard cough and cold compound consisted essentially of tar, menthol, extracts of plant drugs including wild cherry, salicylic acid, sulphuric acid, glycerin, sugar, and water; and the Standard system tonic consisted essentially of magnesium sulphate, salicylic acid, saccharin, extracts of plant drugs including glycyrrhiza, sassafras, and wild cherry, and water.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles, appearing on the bottle labels and in the accompanying circulars, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Standard cough and cold compound, bottle label) "Cough * * * For the treatment of all Coughs, * * * and Bronchial Affections, Whooping Cough, Consumption, Asthma, La Grippe, Influenza, * * * Sore Throat, Spasmodic Coughs, Inflammation of the Lungs, Hoarseness, and all Throat Irritations;" (Standard cough and cold compound, circular) "Cough * * * for all bronchial and throat affections, such as asthma, spasmodic cough, whooping cough, lagrippe, influenza * * * sore throat, inflammation of lungs, hoarseness and all throat irritations:" (Standard system tonic, bottle label) "System Tonic for the Blood and Liver, Stomach and Kidney. The Great Herb Medicine for the Treatment Dyspepsia, Sick Headache, Sour Stomach, Loss of Appetite, Heartburn, Depression, Neuralgia, Female Disorders, Liver Complaints, Coughs * * * Consumption, Indigestion, Rheumatism, Impure Blood, Jaundice, Bilious Attacks, Fevers and Ague. Bad Complexion, Backache, * * * High Blood Pressure and Asthma; also removes that tired and worn out feeling. A wonderful medicine for all Weak, Run-down and Nervous People. Restores lost vitality, and builds up the entire system;" (Standard system tonic, circular) "Are you Suffering? If so, Do Not Delay Start Today, Take Standard System Tonic the Great Indian Herb Medicine * * * System Tonic the great herb medicine. If you are weak, run down, have pain in the back or side, nervous, have indigestion, gassy or sour stomach, asthma, cough * * * Blood, Liver, Kidney or stomach complaints, don't delay, but buy a bottle of this wonderful medicine and see how quickly relief comes to you."

On November 17, 1930, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17798. Misbranding of Vindor diabetic wine. U. S. v. 10 Bottles of Vindor Diabetic Wine. Default decree of condemnation and destruction. (F. & D. No. 24935. I. S. No. 038153. S. No. 3293.)

Examination of samples of a product labeled as Vindor diabetic wine from the herein-described lot, having shown that the article contained ingredients not native to wine and that the labels bore claims of curative properties which the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On July 31, 1930, the said United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 10 bottles of Vindor diabetic wine, alleging that the article was being offered for sale in the District of Columbia at the premises of the G. H. Schulze Pharmacy, Washington, D. C., 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, sodium, potassium, magnesium, and phosphorus compounds, cinchona alkaloids, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statements on the labeling, "Wine" and "Vindor Diabetic Wine is a splendid dry wine," were false and misleading since the article contained ingredients not native to wine. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Diabetic Wine. A powerful Tonic and Nerve Restorative Highly recommended by leading Physicians for Diabetes, Wasting Diseases and essential to conserve the weakened vital forces. A valuable auxiliary in the treatment of Diabetes and aid in the disappearance of Sugar in the Urine * * * Diabetic Wine * * * indicated in the treatment of Diabetes Mellitus, and should prove of great tonic value in Wasting Diseases, Debility."