

17967. Adulteration and misbranding of ether. U. S. v. Fifty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25743. I. S. No. 15181. S. No. 3987.)

Samples of ether from the herein-described shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On January 15, 1931, the United States attorney for the Eastern District of Louisiana filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty 1-pound cans of ether, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Merck & Co., New York, N. Y., on or about May 15, 1930, and had been transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether For Anesthesia U. S. P."

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 strength, quality, and purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia U. S. P.," was false and misleading.

On February 19, 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.*

17968. Adulteration and misbranding of Pyro-Sana. U. S. v. 30 Dozen Bottles of Pyro-Sana. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25283. I. S. Nos. 7440, 7441. S. No. 3548.)

Examination of samples of a drug product, known as Pyro-Sana, from the herein-described shipments having shown that the labels bore claims of curative and therapeutic properties which the article did not possess, and that a portion of the article was labeled as germicidal and antiseptic, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On November 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 dozen bottles, in part 6-ounce size and in part 16-ounce size, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Alhosan Chemical Co., St. Louis, Mo., in two consignments, on or about July 19, 1930, and September 13, 1930, and had been transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding with respect to the small size, and misbranding with respect to the large size, 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 creosote, sugar, and water, colored pink. Bacteriological examination of the article showed that it failed to kill ordinary disease-producing organisms in five minutes.

Adulteration of the product contained in the small-sized bottles was alleged in the libel for the reason that it was sold under the following standard of strength, (bottle label) "Germicidal * * * Antiseptic," whereas it fell below such professed standard.

Misbranding of the product contained in the said small-sized bottles was alleged for the reason that the statements on the bottle label, "Germicidal * * * Antiseptic," were false and misleading. Misbranding was alleged with respect to the product contained in both the large-sized and small-sized bottles for the reason that the following statements regarding the curative or therapeutic effects of the article, borne on the bottle labels, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small-sized bottle): "Pyro-Sana is an active and vital agent in preventing, checking and wholly relieving Pyorrhoea * * * you will find nothing so safe and sure, or so prompt in restoring inflamed and infected areas, * * * For Catarrh, Hay Fever, * * * Pyro-Sana is Especially Recommended for * * * fresh wounds and old sores. * * * Its action here is little short of marvelous. * * * For Sore Throat