

On October 9, 1929, 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 10 cases, each containing four hundred $\frac{1}{4}$ -pound tins of ether, remaining in the original unbroken packages at Bayway, N. J., alleging that the article had been shipped from Philadelphia, Pa., on or about September 14, 1929, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article above described was a lot of ether which had been shipped by the Milton Elias Co., Elizabeth, N. J., to Philadelphia, Pa., on August 30, 1929, and shipped back by the consignee.

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 the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the container. Adulteration was alleged for the further reason that the article fell below the professed standard under which it was sold, namely, "It is superior in vital respects to the ether of the U. S. P."

Misbranding was alleged for the reason that the statements appearing on the label, "The best that can be made for anaesthesia" and "It is superior in vital respects to the ether of the U. S. P." were false and misleading.

On March 13, 1931, by consent of the claimant, 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.*

17975. Misbranding of Grimault & Co.'s syrup of hypophosphite of lime. U. S. v. 49 Bottles of Grimault & Co.'s Syrup of Hypophosphite of Lime. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25635. I. S. No. 5731. S. No. 3882.)

Examination of samples of a drug product, known as syrup of hypophosphite of lime, from the herein-described shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 bottles of Grimault & Co.'s syrup of hypophosphite of lime, alleging that the article had been shipped on or about July 12, 1930, by Yglesias & Co. (Inc.), New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Porto Rico, by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., 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 hypophosphite, morphine sulphate (1/22 grain per fluid ounce), sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on and within the package containing the said article, regarding its curative or therapeutic effects, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (In English and their equivalent in French, Spanish, and Italian) "Employed with success in Pulmonary Phthisis, Asthma, Affections of the Lungs, Liver, Spleen, Etc., Etc. For a long time, physicians and chemists have been on the lookout for a medicine capable of combatting the terrible disease that is known under the name of Pulmonary Phthisis; thousands of prescriptions and new combinations have been proposed successively but useless; * * * one of them wrote the following: 'I started my tests with half a grain of hypophosphite of calcium, and slowly, I took six grains at a time without feeling any inconvenience.' * * * 'Convinced of its harmless character at this dose, I tried it for the first time on March 13, 1885, on a young woman of nineteen, suffering from acute tuberculosis as a result of parturition. The two lungs were completely infiltrated with tubercles in a softening state; there existed swelling of the abdomen with acute pains on pressure, intense fever, extreme prostration, in fact, all the symptoms of a peritonitis tending rapidly towards a fatal end. Thanks to the hypophosphite of calcium, the patient was able to rise at the fourth day and asked to eat. The change was so rapid and the improvement of all the symptoms in general

so surprising; sweats, fever and debility, that even I myself did not believe it. The second case that I treated * * * Immediately I subjected the patient to the hypophosphite of calcium treatment, which rapidly calmed all the symptoms. She continued to take it for several months later, at the end of which I confirmed that there existed in the patient no traces of the general symptoms nor of the physical signs which I encountered at the beginning.' * * * 'The sure means of preventing the diseases of the chest is by the use of the hypophosphite of calcium; * * * The nervous and functional disorders, such as, torpidity of the digestive tract, disappear at the same time. * * * In an old man of sixty-five, who had been suffering for two years from violent attacks of asthma, as a result of an acute bronchitis and that was in an advanced state of cachexia, which almost made it impossible for him to come to my house in a coach, a treatment of six weeks was enough to cause all the symptoms to disappear, and to give him the aspect and vigor of a man of fifty-five years. No matter what the case may be, the richness of the blood increases considerably, the cough and expectoration disappear immediately or is modified in a noticeable way, sometimes even in twenty-four hours.' As hypophosphites vary in their composition and nature, * * * we have thought it our duty in order to remedy this, to offer to the public, under the seal of guaranty of our firm, a preparation of constant quality and agreeable taste."

On February 4, 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.*