Adulteration was alleged with respect to the remainder of the said article for the reason 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 said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements, "Ether for Anesthesia U. S. P." and "Ether U. S. P.," as the case might be, borne on the labels, were false and misleading.

On March 21, 1931, and March 30, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered. It was ordered by the court that a portion of the product be delivered to this department for analytical purposes, and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18028. Misbranding of Q–623. U. S. v. 18 Dozen Bottles of Q–623. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25615. I. S. No. 9296. S. No. 3904.)

Examination of a drug product, known as Q–623, from the shipment herein described having shown that the bottle label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On January 3, 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 18 dozen bottles of Q–623, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the Loewy Drug Co. (Inc.), from Baltimore, Md., on or about November 4, 1930, and had been transported from the State of Maryland into the State of Virginia, 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 sodium salicylate, sodium bicarbonate, and water, flavored with orange oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "A Prescription for Rheumatism, Neuritis, Arthritis, Sciatica, Lumbago, Etc., Guaranteed Relief to all Sufferers—A Few Doses Eliminate the Pain."

On March 31, 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.*

18029. Adulteration of ergot of rye. U. S. v. 9 Bags of Ergot of Rye. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25936. I. S. No. 20250. S. No. 4183.)

Samples of ergot of rye from the shipment herein described having been found to be moldy, decomposed, worm-eaten, and infested with live insects, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 24, 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 nine bags of ergot of rye, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been imported from Hamburg, Germany, into the State of New York, in part on April 13, 1927, and in part on April 21, 1927, and charging adulteration in violation of the food and drugs act.

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 the test laid down in said pharmacopoeia.

On March 16, 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. It was further ordered that the marshal weigh the product prior to destroying it and report the weight in his return of the writ.

ARTHUR M. HYDE, *Secretary of Agriculture.*