

18037. Misbranding of Simmons' cough syrup. U. S. v. 54 Bottles, et al., of Simmons' Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25881. I. S. No. 12208. S. No. 4124.)

Examination of a drug product, known as Simmons' cough syrup, from the shipment herein described having shown that the bottle and carton labels 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 District of Colorado.

On or about February 16, 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 fifty-four 25-cent-sized and 14 dozen 50-cent-sized bottles of Simmons' cough syrup, remaining in the original bottles at La Junta, Colo., consigned by the Allied Drug Products Co., Chattanooga, Tenn., alleging that the article had been shipped from Chattanooga, Tenn., on or about August 16, 1928, and had been transported from the State of Tennessee into the State of Colorado, 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 ammonium chloride, chloroform, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels, regarding the curative and 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) "Coughs, Whooping Cough, Influenza, and Bronchial Affections;" (carton) "For the relief of Coughs, Whooping Cough, Influenza * * * Sore Throat, Asthma, Bronchitis and Bronchial Affections * * * Stop Coughing."

On March 24, 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.*

18038. Misbranding of Jarabe de Kofressi Contra el Reumatismo. U. S. v. 3 Dozen Bottles of Jarabe de Kofressi Contra el Reumatismo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25889. I. S. No. 5745. S. No. 4135.)

Examination of the drug product herein described having shown that the carton and bottle labels and accompanying circular contained 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 District of Porto Rico.

On February 17, 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 three dozen bottles of Jarabe de Kofressi Contra el Reumatismo at Aguadilla, P. R., alleging that the article was in possession of Jose Ferrari, Aguadilla, P. R., and was being sold and offered for sale in Porto Rico, 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 potassium iodide, gualacol, extracts of plant drugs, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, 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: (Translation from Spanish, carton) "For the treatment of Muscular and Acute Rheumatism, Inflammation due to Gout, Lumbago and Sciatica;" (bottle) "Anti-Rheumatic * * * for the treatment of Articular and Muscular Rheumatism, Sciatica, Inflammatory Rheumatism, all acute manifestations of Rheumatism and Gout. The best Depurative for the Impurities of the Blood;" (circular) "Rheumatism, Under the word 'Rheumatism' there are included various affections of different nature: First, The acute affection in the articulations, known in medicine under the name of Acute Articular Rheumatism; Second, The disease or maybe the series of diseases named Chronic Rheumatism; and Third, Muscular Rheumatism. Acute Articular Rheumatism * * * There are possibilities that the inflammation may extend to the heart * * * chronic rheumatism * * * muscular rheu-

matism * * * treatment * * * The best thing that has proven to be of best value, as it is demonstrated by numerous testimonials of individuals that were almost crippled and that had lost all hope of living, is the discovery of the celebrated and famous syrup Kofressi. This has been the savior of humanity * * * Anti-Rheumatic Syrup Kofressi * * * about a year ago I was suffering from a terrible Rheumatic affection, accompanied by infarcts in the glands, specially those of the right armpit. This deprived me for a long time to attend to my business, because it was very difficult for me to do it on account of the pain. No longer being able to resist such terrible disease, and no alleviation having been felt with all the medicines I had taken * * * I noticed that the Rheumatism was ceasing, the gland disappeared and that a sensation of good feeling was announcing me the return of my health. * * * This I make public as a duty * * * I feel highly grateful for having returned to me the most precious gift, Health, with the best Anti-Rheumatic Specific that has ever been known."

On March 7, 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.*

18039. Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25986. I. S. No. 9769. S. No. 4218.)

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

On March 4, 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 15 cans of ether, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about January 19, 1931, and had been transported from the State of New Jersey into the State of Maryland, 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 said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading when applied to an article containing peroxide.

On April 10, 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.*

18040. Misbranding of Clay Pine. U. S. v. 7 Jars of Clay Pine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26001. I. S. No. 28149. S. No. 4254.)

Examination of a drug product, known as Clay Pine, from the shipment herein described having shown that the jar label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be a natural product, whereas it was a compound, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 7, 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 seven jars of Clay Pine at Pittsburgh, Pa., alleging that the article had been shipped by the Clay Pine Products Co., from Columbus, Ohio, on or about January 17, 1931, and had been transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Made of Nature."

Analysis of a sample of the article by this department showed that it consisted of clay, tar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the jar label, "Made of Nature," was false and misleading.