

On February 11, 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 one hundred 1-pound cans of ether, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Solvents & Chemical Corporation, Albany, N. Y., alleging that the article had been shipped from Albany, N. Y., on or about October 27, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether 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 the tests laid down in the said pharmacopoeia, and its own standard was not stated upon the label.

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

On February 28, 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 delivered to the Federal Coordinating Service.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18047. Misbranding of white pine and tar compound. U. S. v. 72 Bottles of White Pine and Tar Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25886. I. S. No. 5746. S. No. 4132.)**

Examination of a drug product, known as white pine and tar compound, from the shipment herein described having shown that the carton and bottle 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 Porto Rico.

On February 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 72 bottles of white pine and tar compound, alleging that the article had been shipped by Frederick Stearns & Co., Detroit, Mich., on or about January 3, 1931, to Aguadilla, P. R., and that it was being sold and offered for sale in Porto Rico by Jose Ferrari, Aguadilla, 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 ammonium chloride, antimony and potassium tartrate, pine tar, extracts of plant drugs, chloroform, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels of the product, regarding its curative and therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Coughs \* \* \* Hoarseness, Bronchitis and certain minor Pulmonary Affections;" (carton, translation from Spanish portion of label) "For the alleviation of Cough, Catarrh, Bronchitis, Hoarseness, Sore Throat and other irritations of the throat and respiratory tract;" (bottle label, practically all in Spanish) "For Cough, Catarrh, Bronchitis, Hoarseness, Sore Throat and other irritations of the Throat and Respiratory Tract."

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.*

**18048. Misbranding of Neutrone "99," U. S. v. 10 Bottles, Large Size, et al., of Neutrone "99." Default decree of condemnation and destruction. (F. & D. No. 25968. I. S. Nos. 28143, 28144. S. No. 4219.)**

Examination of a drug product, known as Neutrone "99," from the shipments herein described having shown that it contained drugs which might impair the stomach; that it contained less alcohol than declared on the label; and that the package label, wrapper, and inclosed circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On February 28, 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 10 large-sized bottles and 22 small-sized bottles of Neutrone "99" at Pittsburgh, Pa., alleging that the article had been shipped by the

Kells Co. (Inc.), from Newburgh, N. Y., on or about November 11, 1930 (and May 26, 1930), and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of sodium salicylate (6.9 to 7.4 per cent), potassium iodide (0.2 per cent), a small proportion of an iron compound, extracts of plant drugs including colchicum and laxative drugs, alcohol (less than 4 per cent), and water.

It was alleged in the libel that the article was misbranded in that the statement, "Not in Excess of 9% Alcohol by Volume," appearing on the wrapper and bottle label, was false and misleading in that the said statement led the purchaser to believe that the article contained approximately 9 per cent of alcohol, whereas it contained less than 4 per cent of alcohol. Misbranding was alleged for the further reason that the statement on the bottle label, "Does not \* \* \* impair the stomach," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was not correct. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "For Rheumatism \* \* \* formula of a Specialist as used successfully in his treatment of Rheumatism, Gout, and all conditions of that nature. \* \* \* is successfully known for the radical removal of Rheumatic conditions. \* \* \* scientific combination of Rheumatic reducing elements and is dependable to produce results from the fact that it aims at Rheumatism as a disease of the blood \* \* \* is a remedy internally treating Rheumatism as a constitutional disease by its general action through the blood. It acts particularly on Acute, Inflammatory and Chronic Rheumatism, whether in the muscles or in the joints;" (circular) "Rheumatism is a Deeply Rooted Disease. It takes a long time to develop and you cannot get rid of it in a day, \* \* \* After taking \* \* \* for a short time and experiencing its benefits, do not jump to the conclusion that your rheumatism is cured because the pain has stopped. \* \* \* If you stop treatment too soon you may suffer a return of your rheumatism because it has not been Thoroughly driven from your system. To Be on the Safe Side, continue taking \* \* \* for a little while after the last symptom of rheumatism disappears, simply as a safeguard against a return of your old enemy. Furthermore, if Yours Is a Severe, Chronic Case of Rheumatism, \* \* \* Bear in mind what a stubborn ailment rheumatism is and how its poisons permeate the system and you will realize that in a longstanding case of chronic rheumatism it takes time to accomplish material benefits. Your case may be so severe as to require three or six or even more bottles;" (wrapper) "For Rheumatism."

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation 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.*

**18049. Misbranding of Kinoloids. U. S. v. 21 Packages of Kinoloids. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26017. I. S. No. 27735. S. No. 4278.)**

Examination of a drug product, known as Kinoloids, from the shipment herein described having shown that the carton label 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 Southern District of Florida.

On or about March 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 21 packages of Kinoloids, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Georgian Pharmacal Co., from Atlanta, Ga., on or about February 12, 1931, and had been transported from the State of Georgia into the State of Florida, 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 quinine, boric acid, an iodine compound, and cocoa butter.