

Minn., on or about August 14, 1928, and had been transported from the State of Minnesota into the State of Montana, 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 zinc and sodium chlorides and sulphates, boric acid, glycerin, alcohol, and water, flavored with peppermint oil and colored green. It contained 5.5 millimicrograms of radium per milliliter—a therapeutically negligible proportion. Bacteriological examination showed that the article, even when undiluted, would not destroy common disease-producing organisms within an hour.

It was alleged in substance 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 but 5.5 millimicrograms of radium per cubic centimeter, which proportion was so small as to be negligible in so far as any therapeutic effect was concerned, and the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Pyorrhoea Preparation \* \* \* Germicidal \* \* \* Healing;" (bottle) "Pyorrhoea preparation. Kill the Germs. Heal the Gums. Save the teeth;" (circular) "Technique of Treatment for Pyorrhoea and Other Oral Infections by the Administration of Pyradium \* \* \* Pyradium Reaction The really remarkable results obtained from the use of Pyradium are, it is believed, attributable to two major causes: (a) The vitalizing action of the Alpha Ray or Particle of Radium on the basic cell processes, and (b) the catalyzing power of Radium upon the metallic atom of the molecule of the salts associated in the solution; the ionizing power of the different Radium Rays upon the atoms of the associated elements;" (coupon) "Guarantee \* \* \* This bottle of Pyradium is guaranteed to relieve pyorrhoea, if used according to directions."

Certain statements in the labeling which this department deemed to be false and fraudulent were not quoted in the libel. The following statements, however, which were charged in the libel to be false and fraudulent, and certain other statements which were omitted from the libel, formed the basis for the recommendation by this department that the charges be brought against the product that it was adulterated in that its strength fell below the professed standard under which it was sold, and was further misbranded in that the following statements were false and misleading: (Carton) "Radium Preparation. \* \* \* Pyradium \* \* \* Germicidal;" (bottle) "Radium Preparation. Pyradium. Kill the germs;" (circular) "Pyradium—Radium element associated in Solution with a carefully developed Formula of Proven Oral Germicides, Antiseptics \* \* \* Pyradium Formula Pyradium is: Radium Chloride associated in solution with \* \* \* Germicidal Oils. It is believed when Pyradium is held in the mouth, the tissues rapidly absorb the Alpha particles stored therein while the rays expelled during the retention in great numbers and velocity come in contact with the tissue. \* \* \* It is believed that the Radium Rays cause an ionization of the metallic atom of the molecule of the metallic salts associated in the solution making more positive their activities, increasing the germicidal powers so that they rapidly and effectively pursue the work of destruction of the invading bacteria and germs in the \* \* \* oral tissues. \* \* \* The use of Radium in solution \* \* \* Radium promotes the growth and multiplication of healthy cells \* \* \* Radium promptly and invariably increases the number of red blood cells. \* \* \* The Radium rays serve to stimulate chemical processes into greater activity thereby fostering the natural processes of life."

On May 22, 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.*

**18372. Misbranding of Lavodent. U. S. v. 1 Dozen 16-Ounce Bottles, et al., of Lavodent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25898. I. S. Nos. 27814, 27815, 27816. S. No. 4070.)**

Examination of a drug product, known as Lavodent, from the shipments herein described having shown that it was represented to be an antiseptic and germicide, whereas it was not, also that the bottle labels 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 District of Delaware.

On February 14, 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 1 dozen 16-ounce bottles, 1 dozen 8-ounce bottles, and 2½ dozen 4-ounce bottles of Lavodent, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lavodent Research Laboratories (Inc.), from Philadelphia, Pa., in various consignments on or about September 2, 1929, May 24, 1930, and September 14, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, 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 zinc chloride, ammonium chloride, saccharin, and flavoring oils including cassia oil, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading, since the article was not antiseptic: (Bottle labels for 16-ounce and 8-ounce sizes) "Which is an antiseptic \* \* \* it is several times as powerful a germicide as phenol \* \* \* a powerful germicide and disinfectant \* \* \* an antiseptic;" (circular accompanying 16-ounce and 4-ounce sizes) "Lavodent has an inhibitive action on these bacteria. \* \* \* Is several times as powerful a germ killer as pure carbolic acid." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (16-ounce size, band on bottle neck) "For healthy gums;" (bottle label) "Prevents Pyorrhea \* \* \* Strengthens the gums;" (8-ounce size, bottle label) "Prevents Pyorrhea \* \* \* Strengthens the gums;" (4-ounce size, bottle label) "For Pyorrhea \* \* \* use Lavodent with equal parts of hot water every four hours."

On April 20, 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.*

**18373. Adulteration of ether. U. S. v. 180 Cans of Ether. Default decree entered. Product ordered delivered to University of Minnesota for experimental purposes. (F. & D. No. 25995. I. S. No. 24916. S. No. 4272.)**

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 Minnesota.

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 180 cans of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about January 24, 1931, and had been transported from the State of Missouri into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

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 official at the time of investigation, in that it contained peroxide, and its own standard was not stated on the label.

On April 22, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal. Subsequently an amended decree was entered permitting release of the product to the University of Minnesota, Minneapolis, Minn., for use in the laboratory for experimental purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18374. Adulteration and misbranding of ether. U. S. v. 100 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26014. I. S. Nos. 12875, 22051. S. Nos. 4311, 4312.)**

Samples of ether from the shipments 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 Northern District of California.