

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 of sodium salicylate (56 grams per 100 milliliters), and water, colored red and flavored.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "Indicated in the treatment of Rheumatism, Lumbago, Gout, Uric Acid, Kidney and Bladder trouble, * * * An aid in Eliminating Uric Acid;" (circular) "Indicated in the treatment of Rheumatism, Lumbago, Rheumatic Gout, Uric Acid, Suppressed Gout, Kidney and Bladder Trouble. * * * [Testimonials in circular] For ten years I suffered from Rheumatism. At times the pains in my joints were almost unbearable. I had just about given up all hope of obtaining relief, when I read your advertisement in the papers and bought a bottle of * * * After taking the first bottle of * * * the pains disappeared and I haven't been troubled since. * * * I have the utmost confidence in your rheumatic remedy and heartily recommend * * * to all sufferers from rheumatism. * * * 'Pains Disappeared' * * * I started taking * * * about a month ago. At that time I could hardly walk, now after using * * * for four weeks I feel like a new woman. I strongly recommend your remedy * * * to all sufferers of rheumatism."

On April 22, 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.*

18378. Misbranding of Kline's rheumatic remedy. U. S. v. 7 Jars of Kline's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25974. I. S. No. 27863. S. No. 4193.)

Examination of a drug product, known as Kline's rheumatic remedy, 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, the Secretary of Agriculture reported the matter to the United States attorney for the District of Delaware.

On March 2, 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 7 jars of Kline's rheumatic remedy, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by H. E. Kline, from Philadelphia, Pa., on or about January 20, 1931, 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 sulphur (63 per cent) and glycerin, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the jar label, 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: "Rheumatic Remedy * * * Rheumatic Remedy for Rheumatism and Uric Acid Condition * * * Directions * * * Take * * * every night and morning until the uric acid is entirely eliminated from the system—and the bowels, kidneys, liver and stomach are properly regulated."

On April 22, 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.*

18379. Misbranding of Laxative 9 to 9 Health. U. S. v. 2½ Dozen Large Bottles, et al., of Laxative 9 to 9 Health. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23818. I. S. No. 08027. S. 2014.)

Examination of a drug product, known as Laxative 9 to 9 Health, showed that the labeling of the article represented that it was a medicine for certain ailments for which quinine sulphate is customarily prescribed, and that it

contained insufficient quinine sulphate to constitute an adequate treatment for such ailments when administered according to directions, namely: "9 to 9 is a medicine for * * * Malaria, Chills and Fever, Intermittent and Remittent Fever * * * Directions: For adults: One tablespoonful in water every three hours, until it acts. Then three times a day." The labeling contained further curative and therapeutic claims that were not justified by the composition of the product.

On June 18, 1929, the United States attorney for the District of Delaware, 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 2½ dozen large-sized bottles and 16½ dozen small-sized bottles of the said Laxative 9 to 9 Health, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the 9 to 9 Pharmacal Co., from Philadelphia, Pa., in various consignments on or about November 1 (8), December 1, and December 7, 1928, 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 quinine sulphate (0.55 grain per fluid ounce), magnesium sulphate, ferric chloride, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the circular, 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) "Health * * * Recommended for Liver, Stomach, Kidneys, Blood * * * La Grippe, Fever, Chills;" (circular) "Breaks * * * Fevers * * * Health * * * 9-To-9 is a medicine for * * * Malaria, Chills and Fever. Intermittent and Remittent Fever, LaGrippe, Influenza, * * * 9-To-9 is the most active medicine known to reduce Fever * * * It kills the Germs that cause the * * * Fever. You can take it while the Fever is on or off. * * * For * * * La Grippe we know of no remedy better than 9-To-9. Three or four doses generally give relief. * * * 9-To-9 is a fine tonic for pale people. It builds up the blood corpuscles to a red, healthy condition, giving a natural, healthy complexion. * * * acts on the liver and kidneys, aiding them in throwing off the impurities, preventing Auto-Intoxication * * * It is a wonderful Strengtheners. * * * Preventive: 9-To-9 is a splendid preventive, so do not wait until you are so ill you are confined to your bed. If you have no appetite * * * feverish, have headache or that tired feeling * * * take three or four doses of 9-To-9 and see how much better you will feel. If you have been poisoned by mosquitoes, take a few doses to keep off the fever."

On November 8, 1929, 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.*

18380. Adulteration and misbranding of ether. U. S. v. 75 ¼-Pound Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25908, 25909, 25912. I. S. Nos. 26919, 26920, 26921, 26922. S. Nos. 4163, 4166, 4168.)

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 Texas.

On or about February 27, 1931, the United States attorney in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of certain quantities of ether, namely, thirty-one 1-pound cans shipped on or about August 9, 1930, forty 1-pound cans shipped in October (October 6) 1930, and 75 quarter-pound cans shipped on or about December 13, 1930. It was alleged in the libels that the article had been shipped by Merck & Co., St. Louis, Mo., in interstate commerce into the State of Texas, that it remained in the original packages at Dallas, Tex., and that it was adulterated and misbranded in violation of the food and drugs act. A portion of the article was labeled in part, "Ether U. S. P.," and the remainder was labeled in part, "Ether for Anesthesia U. S. P."

It was alleged in the libels 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 for ether laid down in the said pharmacopoeia at the time of investigation, since it contained peroxide.