

alleging that the article had been shipped from Fremont, Ohio, in part on April 11, 1929, and in part on July 8, 1929, and had been transported from the State of Ohio into the State of New York, 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 the capsules contained a fatty substance, creosote, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the carton and bottle 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. (Carton) "Properties: Germicide, Antiseptic and * * * Free from Depressant Action upon * * * Vital Functions;" (bottle) "Presenting for medicinal use a drug of value for the treatment of Tuberculosis, chronic or acute Bronchitis, and all catarrhal or inflammatory processes internal or external. * * * devoid of depressant action upon the * * * vital functions. An Antiseptic and Germicide * * * To relieve acute attacks of coughing, asthma, bronchitis, etc." Misbranding was alleged for the further reason that the statements appearing on the carton label, "Properties: Germicide, Antiseptic," and on the bottle label, "An Antiseptic and Germicide," were false and misleading in that the said statements represented that the article contained germicidal and antiseptic properties and that it was an antiseptic and germicide; whereas it did not contain antiseptic and germicidal properties, nor was it an antiseptic and germicide.

On October 22, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18519. Misbranding of extract of malt with yerba santa. U. S. v. 20 Packages of Extract of Malt with Yerba Santa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24195. I. S. No. 021403. S. No. 2403.)

Examination of a drug product, known as extract of malt with yerba santa, from the shipment herein described having shown that the bottle label and accompanying 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 New York.

On November 2, 1929, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 packages of extract of malt with yerba santa, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Trommer Co., Fremont, Ohio, alleging that the article had been shipped on February 23, 1929, from Fremont, Ohio, and had been transported from the State of Ohio into the State of New York, 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 extracts of plant material including malt, chloroform, and ammonium chloride.

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 accompanying the said article, regarding its curative and therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle), "For coughs * * * and respiratory affections. * * * This preparation is remarkably efficacious in all irritations and infections of the throat, lungs, and air passages. Obstinate coughs usually respond with amazing promptitude to the administration of this great combination of the tonic and digestive properties of Trommer Extract of Malt and the proven remedial agents which are combined with it. The addition of well known expectorants to Trommer Extract of Malt presents an effective combination, free from the dangerous opiates and narcotics which so often produce functional derangement to such an extent as to neutralize their value as sedatives to the inflamed mucous membranes, in acute and chronic affections of the throat and lungs;" (circular) "'A return of health lies through a return of the assimilative powers and the use of natural nutriment.' The whole trend of modern medicine is toward the prevention and cure of disease by feeding the body. This does not mean more or larger

meals, for many who are sick remain so because they can not digest or assimilate what they eat. But enlightened medical science seeks to bring the whole bodily mechanism to a state of normal efficiency through its assimilation of vital elements of nourishment supplied in forms which are acceptable, palatable, and digestible. Medical science has long regarded food as the first of remedies. The abundant vitality supplied by suitable foods enables the person to successfully resist the ills and infections which constantly menace everyone. Most diseases can be attributed to a lack of necessary elements which proper foods will supply. Trommer preparations are primarily foods. They meet the requirement of modern medicine that such nutrients shall assist rather than tax digestion. They are pure, agreeable to the palate, and assist in the digestion of other foods which may be taken and the assimilation of the remedial agents which they contain. * * * Trommer Extract of Malt is such a perfect digestant and tonic * * * its use is indicated in all cases of indigestion, chronic dyspepsia, and feeble, exhausted and nervous conditions arising from malnutrition. It aids in the transformation of all starchy foods into blood, bone, tissue, heat, and energy. * * * Its power to render food with which it is combined in the stomach readily digestible. * * * Extract of Malt is today, and has been since its discovery, the one great agent used for the transformation of food into bone, tissue, heat, and energy. * * * Indigestion, malnutrition, and a host of unhealthful conditions appear when there is not enough diastase produced in the body to convert the foods taken. Because it contains so much diastase, Trommer Extract of Malt makes such a splendid agent with which to introduce the bone and tissue building foods * * * into the body. Extract of Malt with Yerba Santa Compound For coughs * * * and respiratory affections. This preparation is remarkably efficacious in all irritations and infections of the throat, lungs, and air passages. Obstinate coughs usually respond with amazing promptitude to the administration of this great combination of the tonic and digestive properties of Trommer Extract of Malt and the proven remedial agents which are combined with it."

On October 22, 1930, 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.*

18520. Adulteration and misbranding of fluid extract of ergot. U. S. v. 4 Pint Bottles, et al., of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25463. I. S. No. 12112. S. No. 3732.)

Examination of samples of fluid extract ergot from the shipment herein described having shown that the article was represented to be a pharmacopoeial product, whereas it had a potency of approximately two-fifths that required by the United States Pharmacopoeia for fluid extract of ergot, the Secretary of Agriculture reported the matter to the United States attorney for the northern district of California.

On December 9, 1930, the United States attorney filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 pint bottles and thirty-one 4-ounce bottles of fluid extract ergot, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by John Wyeth & Bro. (Inc.), from Philadelphia, Pa., on or about September 30, 1930, and had been transported from the State of Pennsylvania into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part "Fluid Extract Ergot, U.S.P. 10th Revision."

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 as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot, U.S.P. 10th Revision," was false and misleading.

On December 29, 1930, 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.*