

the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, in that it contained peroxide.

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

On July 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19043. Adulteration and misbranding of ether. U. S. v. 20 Cans, et al., of Ether. Default decree of condemnation. Product delivered to Federal agency. (F. & D. No. 27058. I. S. Nos. 34774, 34775. S. No. 5286.)

Samples of ether from the shipments herein described having been found to contain peroxide, indicating deterioration, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On October 10, 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 35 cans of ether at Pittsburgh, Pa., alleging that the article had been shipped by the Mallinckrodt Chemical Works, in part from St. Louis, Mo., on or about June 29, 1931, and in part from Jersey City, N. J., on or about September 21, 1931, and had been transported from the States of Missouri and New Jersey 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.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading when applied to ether falling below pharmacopoeial standard.

On December 24, 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. On December 30, 1931, the marshal was directed by the court to release the product to the Bureau of Industrial Alcohol, instead of destroying it.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19044. Adulteration and misbranding of Lumentol ointment. U. S. v. 4 Dozen Jars of Lumentol Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26997. I. S. No. 5798. S. No. 5182.)

Examination of a drug product, known as Lumentol ointment, showed that the jar and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The labels also represented that the article was germicidal and antiseptic, whereas it was not.

On October 2, 1931, the United States attorney for the District of Puerto Rico, 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 four dozen jars of Lumentol ointment, alleging that the article was in the possession of Moscoso Hermano & Co., Ponce, P. R., and that it was being offered for sale and sold in Puerto Rico, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of bismuth and zinc and a tarry oil, such as cade oil, incorporated in an ointment base perfumed with volatile oils including eucalyptol, menthol, and methyl salicylate. Bacteriological examination showed that the article was not germicidal nor antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (Spanish) "Antiseptic * * * Germicide," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic nor germicidal.

Misbranding was alleged for the reason that the statements on the carton and jar labeled in Spanish, "Antiseptic * * * Germicide," were false and misleading when applied to an article that was not germicidal nor antiseptic.

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in Spanish on the carton and jar labels and in the accompanying circular, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Lumentol The Marvelous Ointment King of diseases of the skin. Recommended against inflammation * * * of the skin, hemorrhoids. Destroys the animal and vegetable parasites. * * * Of marvelous results against: Eczema, Tumors, Ulcers, Pimples, Abscesses, Boils, Whitlows, Tumors in the armpits, Pustules and other Affections of the skin;" (jar) "Ointment 'Lumentol' * * * Of marvelous results against: Eczema, Tumors, Ulcers, Pimples, Abscesses, Boils, Whitlows, Tumors in the armpits, Pustules and other Affections of the skin;" (circular) "Ointment 'Lumentol.' This marvelous ointment, miraculous creation, has been used by the author for over ten years in numerous cases of affections of the skin, having obtained positive results, and in many cases avoiding surgical intervention. We are indicating herewith the cases in which this ointment has given magnificent results, and also in all general cases of affections of the skin. Boils * * * Pustules, Groins, Ringworms, Eczema, Ulcers, Carbuncles, Boils, Tumors in the Armpits, Abscesses, Tumors * * * observe a diet in accordance with the seriousness of the affection * * * because of its medicinal and curative properties and because of the magnificent success obtained during ten years of continuous use in the treatment of all the affections of the skin."

On November 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19045. Misbranding of Kelpor. U. S. v. 4½ Dozen Boxes, et al., of Kelpor. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26716, 26717. I. S. Nos. 22269, 22270. S. Nos. 4823, 4824.)

Examination of the drug product Kelpor showed that the circular accompanying the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. It was also claimed for the article that it was a natural food and medicine combined, whereas it was not.

On July 2, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of five and two-thirds dozen boxes of the said Kelpor, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by P. A. Tucker, from Portland, Oreg., in part on or about September 17, 1930, and in part on or about March 15, 1931, and had been transported from the State of Oregon into the State of Washington, 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 mineral matter, mainly aluminum silicate and iron oxide with small proportions of other iron and magnesium compounds, including sulphate and phosphate, and traces of calcium compounds and sulphur.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading: "H. H. Brooten's Mineral * * * The natural food and medicine combined." Misbranding was alleged for the further reason that the following statements appearing in the said circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Testimonials) "'Greatly benefits sugar diabetes. I had been suffering with Sugar Diabetes for about ten years. My toes were sloughing; I had lost all my toe nails, and it looked as if my toes would come off. I was unable to walk or sit up and was eating very little. Two weeks after using Brooten's Mineral, my feet were healed and I could walk a few steps. The sugar disappeared and I am now able to eat anything I wish * * * I have used Brooten's Mineral for two years for infection, and in my opinion was greatly benefited by using it. * * * I was confined to my bed for one and one-half years with anemia. I was given thirteen blood transfusions but got no better. I tried H. H. Brooten's Mineral. In less than 48 hours I began to perspire and my internal heat was gone. My appetite began to improve and in forty days my blood test showed 60 per cent. I recommend Brooten's Mineral for run down physical condition. * * * I was suffering with a sore leg for many