

On April 5, 1932, the United States attorney for the District of New Jersey, 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 1 gallon of the said fluidextract of ergot, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the American Pharmaceutical Co. (Inc.), New York, N. Y., on or about February 5, 1932, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fluid Extract Ergot 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 as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P.," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since the article in the dose stated on the label would not produce the effects claimed: "Action—A powerful stimulant of involuntary muscles especially those of the uterus. Uses—Checks postpartum hemorrhage by contracting the uterus. As a routine prophylactic measure against postpartum hemorrhage. For the relief of menorrhagia, metrorrhagia, some forms of dysmenorrhea and atonic conditions of the reproductive organs. Also as a circulatory stimulant. Dose Average U. S. P.—30 minims (2 cc.)."

On June 13, 1932, 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.*

19524. Misbranding of Dr. Link's Golden tonic. U. S. v. Joe W. Link, Charles P. Link, and Lizzie R. Link (Dr. W. A. Link Medicine Co.). Pleas of guilty. Fine, \$150. (F. & D. No. 27452. I. S. No. 18476.)

Examination of Dr. Link's Golden tonic showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label and carton, and in a circular inclosed in the carton.

On December 30, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Joe W. Link, Charles P. Link, and Lizzie R. Link, copartners, trading as Dr. W. A. Link Medicine Co., Dallas, Tex., alleging shipment by said defendants, on or about November 20, 1930, from the State of Texas into the State of Louisiana, of a quantity of Dr. Link's Golden tonic that was misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt, potassium citrate, ferric sulphate, nitric acid, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the bottle label and carton and in the circular, falsely and fraudulently represented that it was effective, among other things, as a treatment, remedy, and cure for indigestion, biliousness, kidney and blood ailments, and malaria; whereas it contained no ingredients or medicinal agents effective as a treatment, remedy, or cure for indigestion, biliousness, or kidney or blood ailments, or malaria.

On June 13, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19525. Adulteration and misbranding of Ergotole. U. S. v. 286 Bottles of Ergotole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27385. I. S. No. 42151. S. No. 5582.)

Examination of the drug product Ergotole showed that it was represented to be standardized to the same potency as fluidextract of ergot, whereas its potency was approximately one-third that of the pharmacopoeial requirement for fluidextract of ergot. The article would not produce certain therapeutic results claimed for it in the labeling, because of its low potency.

On December 18, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 286 bottles of Ergotole, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about October 6, 1931, and had been transported from the State of Pennsylvania into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it was sold under the following standard of strength, (carton and bottle label) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye," (circular) "Ergotole is a liquid extract of Ergot of Rye, containing the oxytocic constituents of the drug * * * Ergotole is biologically assayed by the cock's comb method, and standardized to the same potency as the Fluidextract of Ergot," whereas the strength of the article fell below such professed standard.

Misbranding of the article was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton and bottle labels) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye;" (circular) "Ergotole is a liquid extract of Ergot of Rye, containing the oxytocic constituents of the drug. * * * Ergotole is biologically assayed by the cock's comb method, and standardized to the same potency as the Fluidextract of Ergot. The chief use for Ergotole is to excite uterine contraction and to check uterine hemorrhage. It is therefore indicated for use in the third stage of labor. * * * Ergotole may be administered orally or hypodermically. The suggested average dose for hypodermic administration is ten minims, and for oral administration thirty minims." Misbranding of the article was alleged for the further reason that the statement, "The chief use for Ergotole is * * * to check uterine hemorrhage," appearing in the labeling regarding the curative or therapeutic effects of the article, was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 28, 1932, 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.*