

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19851—19900

[Approved by the Secretary of Agriculture, Washington, D. C., April 14, 1933]

**19851. Adulteration and misbranding of fluidextract of ergot. U. S. v. 5 Bottles of F. E. Ergot, et al. Default decree of condemnation and destruction. (F. & D. No. 26194. I. S. Nos. 28709, 16210. S. No. 4475.)**

This action involved the interstate shipment of two lots of fluidextract of ergot. One lot of the article, which was represented as meeting the requirements of the United States Pharmacopoeia, was found upon examination to have a potency of one-half of that required by the pharmacopoeia. The remaining lot had a potency of about two-thirds of that required by the said pharmacopoeia.

On April 8, 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 certain drugs remaining unsold at Washington, D. C. It was alleged in the libel that seven bottles of a product, invoiced as "F. E. Ergot U.S.P.X.", and one gallon bottle of an article, labeled "Fluidextract Ergot," had been shipped by Sharp & Dohme (Inc.), into the District of Columbia, the former on or about January 12, 1931, from Baltimore, Md., and the latter on or about March 14, 1931, from Philadelphia, Pa., and that the article was adulterated and misbranded in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopoeia, to wit, "F. E. Ergot U.S.P.X." or "Fluid Extract Ergot" (fluidextract of ergot), and different from the standard of strength as determined by the tests laid down in the said pharmacopoeia, since the former was only one-half the potency required by the said pharmacopoeia for fluidextract of ergot and the latter was only two-thirds the potency required by said pharmacopoeia.

Misbranding was alleged for the further reason that the article was offered for sale under the name of another article. Misbranding of the portion of the article shipped March 14, 1931, was alleged for the further reason that the statement in the labeling, "Fluidextract Ergot U. S. P. X. \* \* \* Biologically Standardized," was false and misleading when applied to an article having a potency of only two-thirds that required by the United States Pharmacopoeia for fluidextract of ergot.

On September 19, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19852. Adulteration and misbranding of fluidextract of ergot. U. S. v. 5 Bottles of "F. E. Ergot," et al. Default decree of condemnation and destruction. (F. & D. No. 26194. I. S. Nos. 16209, 28708. S. No. 4475.)**

This action involved the interstate shipment of a quantity of fluidextract of ergot. Examination of the article showed that it had a potency of approximately one-half of that required by the United States Pharmacopoeia for fluidextract of ergot.