

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Prophylactic * * * It is highly recommended for the treatment of leucorrhoea ('whites'), cervicitis, vaginitis, catarrhal inflammations and other vaginal conditions associated with disagreeable discharges, whether specific or not. * * * producing a complete as well as thorough antiseptics of the organ. * * * In leucorrhoea, etc. * * * as a prophylactic against infection, specific or otherwise."

On January 4, 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.*

19360. Adulteration and misbranding of Glyco-tan-phene. U. S. v. 22 Bottles of Glyco-tan-phene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27586. I. S. No. 44732. S. No. 5572.)

Examination of a drug product, known as Glyco-tan-phene, from the shipment herein described showed that the labeling bore statements representing that the article possessed antiseptic, curative, and therapeutic properties which in fact it did not possess.

On December 21, 1931, the United States attorney for the Southern District of Ohio, 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 22 bottles of Glyco-tan-phene at Cincinnati, Ohio, consigned by the Hagedon Chemical Co., from Indianapolis, Ind., alleging that the article had been transported from the State of Indiana into the State of Ohio, on or about October 17, 1931, and charging adulteration and 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 small proportions of phenol, tannin, and menthol, and glycerin and water, colored with a brown dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, to wit, antiseptic, when in truth and in fact the strength of said drug fell below such professed standard in that it was not antiseptic.

Misbranding was alleged for the reason that the statement on the label, "An Antiseptic," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Indicated in the treatment of Tonsillitis, Pharyngitis, Uvulitis, Pyorrhoea, Sore and inflamed conditions of the Throat and Mouth."

On January 29, 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.*

19361. Misbranding of Phosphorcin. U. S. v. 3 $\frac{1}{3}$ Dozen Bottles of Phosphorcin. Default decree of condemnation and destruction. (F. & D. No. 26202. I. S. No. 28254. S. No. 4480.)

Examination of the drug product Phosphorcin, involved in this action, showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the circular shipped with the said article.

On April 10, 1931, the United States attorney for the Western District of Pennsylvania, 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 three and one-third dozen bottles of Phosphorcin, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Eimer & Amend, from New York, N. Y., in part on or about November 15, 1930, and in part on or about January 23, 1931, and had been transported from the State of New York into the State

of Pennsylvania, 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 calcium glycerophosphate, sodium glycerophosphate, phosphoric acid, material derived from nux vomica, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Circular) "As a reconstructive tonic in all ailments of the nervous system; in Anemia, Chlorosis, Sexual Impotence and Debility, Phosphaturia, Athrepsia, Pellagra, Chronic Dyspepsia, Secondary Anemia, Menstrual Disturbances, Rachitis, Osteomalacia, General Debility * * * it is of exceptional value in Diabetes, Albuminuria, Chronic Nephritis and General Paralysis. * * * While a deficiency of phosphorus is manifested by different pathological conditions in different individuals, generally speaking, this lack is soon followed by interrupted growth, a lessening in healthy nutrition, and a diminution in the number of red cells in the blood, which leads to various conditions, such as anemia, chlorosis, metabolic diseases, and many other asthenic forms which accompany lowered resistance and impaired nutrition and growth. * * * Phosphorcin is an elementary phosphorus of high assimilability. * * * Phosphorcin supplies a scientific method of administering phosphorus in a form that will be quickly absorbed and properly assimilated by the body cells. * * * highly efficient one in the treatment of depressed conditions of the nervous system, as well as in the convalescent period following neurasthenia, influenza and other febrile diseases."

On June 5, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19362. Adulteration of ether. U. S. v. 40 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27056. I. S. No. 36873. S. No. 5303.)

Samples of ether from the shipment 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 Middle District of Alabama.

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 40 cans of ether, remaining in the original unbroken packages at Montgomery, Ala., consigned about September 22, 1931, alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., and had been transported from the State of Missouri into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

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 tests laid down in the said pharmacopoeia.

On December 18, 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.*

19363. Misbranding of Ward's roup and white diarrhoea remedy, Ward's medicated poultry tonic, Ward's kidney and backache pills, Ward's stock tonic, and Ward's kidney and bladder medicine. U. S. v. 3 Packages of Ward's Roup and White Diarrhoea Remedy, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26290, 26291, 26292, 26293, 26294. I. S. Nos. 24557, 24558, 24559, 24560, 24561. S. No. 4572.)

Examination of the drug products involved in this action showed that the labels contained statements representing that the articles possessed curative the therapeutic properties which, in fact, they did not possess. The Ward's medicated poultry tonic failed to declare the presence of sodium sulphate in the statement of ingredients declared on the label; the labeling of the Ward's stock tonic contained unwarranted claims for the effectiveness of the article in increasing milk production and in fattening cattle.