

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.

On May 9, 1931, the United States attorney for the Western District of Michigan, 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 3 packages of Ward's roup and white diarrhoea remedy, 9 packages of Ward's medicated poultry tonic, 3 packages of Ward's pills, 3 packages of Ward's stock tonic, and 3 bottles of Ward's kidney and bladder medicine, remaining in the original unbroken packages at Grand Haven, Mich., consigned by Dr. Ward's Medical Co., Winona, Minn., alleging that the article had been shipped from Winona, Minn., on or about March 14, 1931, and had been transported in interstate commerce from the State of Minnesota into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the roup and white diarrhoea remedy consisted essentially of boric acid (40 per cent), copper sulphate (40 per cent), and potassium permanganate (20 per cent); that the medicated poultry tonic consisted essentially of sulphur, sodium sulphate (4.6 per cent), charcoal, ground clam shells, ground plant material including red pepper, and a small proportion of iron sulphate; that the stock tonic consisted essentially of sulphur, sodium chloride, sodium sulphate, sodium bicarbonate, iron sulphate (4.5 per cent), charcoal, and ground plant material including fenugreek and red pepper; that the pills contained potassium nitrate (23 milligrams each), methylene blue (8 milligrams each), and extracts of plant drugs including such drugs as uva ursi, buchu, and juniper; that the kidney and bladder medicine contained sodium phosphate (11 per cent), sodium acetate (1.5 per cent), sodium benzoate (0.3 per cent), extracts of plant drugs including uva ursi and a laxative drug, flavoring material including vanillin and coumarin, glycerin, and water.

Misbranding of the said Ward's medicated poultry tonic was alleged in the libel for the reason that the statements, to wit, "This preparation contains the following ingredients: Gentian, Capsicum, Blood Flour, Clam Shells, Ginger, Sulphur, Shorts and Charcoal," borne on the label, were false and misleading when applied to a drug article containing as an ingredient sodium sulphate to the extent of approximately 4.6 per cent. Misbranding was alleged with respect to the said Ward's stock tonic for the reason that the statements appearing in the labeling, to wit, (circular) "Cows. For increasing the quantity and quality of milk," (carton) "Cows. For increasing the quantity and quality of milk \* \* \* Cattle. To fatten cattle, feed about the same as for cows," were false and misleading, since the said statements represented to the purchaser that the article contained ingredients or a combination of ingredients capable of producing the effects claimed, whereas it did not. Misbranding was alleged with respect to all of the said products for the reason that the following statements, regarding the curative and therapeutic effects of the articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Ward's roup and white diarrhoea remedy) "Roup and White Diarrhoea Remedy \* \* \* For Roup—Put two tablespoonfuls of Solution A into every gallon of drinking water. Remove all other water. To cure continue this drinking water until well. To prevent, give three days per week only. \* \* \* For White Diarrhoea—Put 1½ teaspoonfuls of Solution A into every gallon of drinking water. Otherwise treat same as for Roup. For Cholera—This Remedy similarly used in drinking water has proven thoroughly effective;" (Ward's pills, wrapper) "Kidney & Backache Pills;" (Ward's pills, circular) "Kidney And Backache Pills. These pills will be found a remedy for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder. Quickly relieving Backache, Bladder Irritation, Congestion of the Kidneys, Lame Back, Diabetes, Gravel, Lumbago, Non-retention of Urine, in fact most Urinary Troubles are overcome by a continued use of these Pills. Very happy results follow their use in Prostatic troubles. Old men will find them a true friend, and as healthy Kidneys are the true source of Pure Blood, these Pills should be taken for Rheumatism, Gouty Conditions, Pale And Sallow Complexion, Etc. Directions Take one pill three times daily after meals for Lumbago, Pain in the Back. If the urine is highly colored, and scanty two pills three or four times a day will not be found too much. In all cases they should be taken with regularity, and treatment continued until the full effect of the remedy is obtained. \* \* \* Follow

the Directions carefully to obtain the best results;" (Ward's medicated poultry tonic) "For producing strong, healthy poultry and increasing the production of eggs. \* \* \* Ward's Poultry Tonic is offered for the cure and prevention of diseases in chickens, turkeys, ducks, geese, and all kinds of poultry. For increasing the production of eggs \* \* \* which will chill their bodies and destroy the benefits of this Tonic. \* \* \* In case of sickness with any of your fowls, separate them from the balance of the flock, put them in a warm place and follow directions for treatment. \* \* \* Directions For purifying the blood, regulating the liver and digestive organs and for making fowls strong and active, mix one tablespoonful with regular feed for about fifteen fowls morning and night. For Making Hens Lay In Cold Weather—Mix one tablespoonful with wet food for twelve hens morning and night. In cold weather a measureful of corn, wheat, oats or barley \* \* \* can be fed while warm to great advantage. For Promoting Growth of Young Chicks \* \* \* mix a tablespoonful of Ward's Poultry Tonic with Johnny cake or rolled oats for twenty-five chicks once a day. The quantity should be increased as the chicks grow. This will produce quick growth and vigorous health. For Fattening Chicks—Mix from two to three tablespoonfuls of Ward's Poultry Tonic with cornmeal or cracked corn for twelve fowls twice a day;" (Ward's stock tonic, inclosure) "Horses. Horses in good condition, one to two tablespoonfuls per day. For epizootic, liver troubles, distemper, coughs, hide bound, roughness of hair, loss of appetite and impurity of blood give one tablespoonful in the morning and two at night. \* \* \* Cows. \* \* \* for toning up the system and preventing diseases, a tablespoonful should be given night and morning. If in poor condition the dose should be doubled. \* \* \* To fatten cattle, feed about the same as for cows. The object of Ward's Stock Tonic is to keep the stock in a good healthy condition, \* \* \* Sheep. To increase flesh and wool give about one-fourth as much as for cattle. Hogs. If in good condition give a tablespoonful once a day with slop or dry food for two hogs, for developing rapid growth the dose should be increased to two tablespoonfuls. When affected with disease mix the tonic with ground feed which has been stirred up in hot water. \* \* \* Suckling Sows. One tablespoonful two or three times a day to keep them strong and to raise strong and healthy pigs. Pigs. For prevention of disease and for insuring rapid growth one tablespoonful should be given to six pigs two or three times per day;" (Ward's stock tonic, carton) "Ward's Stock Tonic \* \* \* having a strengthening and regulating influence on the bowels, stomach, kidneys, and liver. For aiding digestion and prompting assimilation. \* \* \* for preventing ordinary ailments in cattle, horses, hogs and sheep. \* \* \* Horses \* \* \* for epizootic, liver troubles, distemper, hide bound, roughness of hair, loss of appetite, and impurity of blood give one tablespoonful in the morning and two at night. \* \* \* Cows. \* \* \* for toning up the system and preventing disease, a tablespoonful should be given morning and night. If in poor condition the dose should be doubled. Cattle. \* \* \* The object of Ward's Stock Tonic is to keep the stock in good healthy condition, \* \* \* Hogs. For hogs in good condition give a tablespoonful once a day with slop or dry food for two hogs, for developing rapid growth the dose should be increased to two tablespoonfuls. \* \* \* Suckling Sows. One tablespoonful two or three times a day to keep them strong, and to raise strong and healthy pigs. Pigs. For prevention of ordinary ailments and for insuring rapid growth, one tablespoonful should be given to six pigs two or three times per day;" (Ward's kidney and bladder medicine, bottle label) "Kidney And Bladder Medicine [sketch of kidneys] For Inflammation of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders and for various Urinary Irregularities;" (Ward's kidney and bladder medicine, circular) "Kidney and Bladder Medicine A Most Successful Medicine For Kidney, Bladder, And Urinary Disorders, For Inflammation Of Kidneys And Bladder, For Backache And Rheumatism Due To Kidney Disorders And For Various Urinary Irregularities The Kidneys are the filters of the blood—when healthy they remove poisonous waste as fast as it forms—when diseased these poisons remain in the blood and system to the extent of their inability to eradicate these poisons. Such being the conditions, you should not delay in recognizing the indication which suggests the weak and diseased Kidneys. Don't let this virulent matter poison your whole system. Deep steady pains in the small of the back.

Scanty, highly colored urine perhaps carrying blood, albumen or pus. Nausea, vomiting, frequent and burning desire to urinate which produces feeling of exhaustion. These symptoms show that the kidneys are diseased and the bladder affected. Ward's Kidney and Bladder Medicine acts quickly and directly. \* \* \* Directions Take one teaspoonful of Ward's Kidney And Bladder Medicine every three hours in one-half glass of hot water. \* \* \* [testimonial] 'I want to recommend your Bladder and Kidney Remedy, and I feel like I can't say enough for it. When I had the Influenza last Winter I was left with a lame and crippled back. I could hardly straighten up. I also was left with Kidney trouble and loss of appetite. I tried many different kinds of tonics, but none seemed to take the place of Ward's Kidney and Bladder Remedy. Since I began taking it I can walk straight, have a good appetite and go to bed without having to get up in the night. Again I want to say I can not say enough for Ward's Bladder and Kidney Remedy after suffering so long without it.'

On September 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 products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19364. Adulteration and misbranding of Ergotole. U. S. v. One Hundred and Thirty-eight 1-Ounce Bottles of Ergotole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27259. I. S. Nos. 42102, 42103. S. No. 5433.)**

Examination of the drug product Ergotole from the shipments herein described showed that its ergot potency was less than one-third of the standard claimed in the labeling and that it would not produce certain curative and therapeutic effects claimed.

On November 21, 1931, the United States attorney for the Eastern District of Virginia, 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 one hundred and thirty-eight 1-ounce bottles of Ergotole, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Baltimore, Md., in part on or about October 6, 1931, and in part on or about October 16, 1931, and had been transported from the State of Maryland into the State of Virginia, 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, (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," (carton and bottle label) "Ergotole \* \* \* A Purified Liquid Preparation of Selected Ergot of Rye," 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 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. The chief use for Ergotole is to excite uterine contraction \* \* \* 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 was alleged for the further reason that the following statement appearing in the circular was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "The chief use for Ergotole is \* \* \* to check uterine hemorrhage."

On February 15, 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.*