* * * nervous or sleepless, or after exposure to * * * chills. * * * will be found a most * * * strengthening * * * composition for Convalescents, Dyspeptics and delicate women and children."

On April 7, 1932, the Potter Drug & Chemical Corporation, Malden, Mass., intervened and filed a claim and answer. On February 9, 1933, the answer having been withdrawn by leave of court, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed and that costs of the proceedings be assessed against the claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20570. Adulteration and misbranding of fluidextract of ginger. U.S. v. 1,120 Bottles of Fluidextract of Ginger, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27754. I.S. no. 50326. S. no. 5822.)

This action was brought against a shipment consisting of a lot of fluidextract of ginger, a drug, and a lot of orange extract, a food. The fluidextract of ginger contained a fatty oil such as castor oil, which is not a constituent of fluidextract of ginger as defined by the United States Pharmacopoeia, and also contained a much smaller proportion of the material derived from ginger than the pharmacopoeia provides. The label also bore unwarranted curative and therapeutic claims. Notice of judgment no. 20545 reports the action taken regarding the extract of orange.

On February 16, 1932, the United States attorney for the Eastern District of Missouri, 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 1,120 bottles of fluidextract of ginger, and 256 bottles of orange flavoring extract. It was alleged in the libel that the articles had been shipped in interstate commerce, on or about November 6, 1931, by the H. L. Jones Co., from Eldorado, Ark., to St. Louis, Mo., that they remained unsold in the original bottles at St. Louis, Mo., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Fluid Extract of Ginger * * * Bottled by Austin Products Co., 447 N. La Salle St., Chicago, Ill."

Adulteration of the fluidextract of ginger was alleged for the reason 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 test laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the name, of another article. Misbranding was alleged for the further reason that the statement on the label, regarding the curative or therapeutic effects of the article, "Externally it may be used for * * * rheumatism", was false and fraudulent.

On January 11, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20571. Misbranding of I. L. St. John's "Magnetic" brand oil. U.S. v. Frank L. Bridinger. Plea of guilty. Fine, $100. (F. & D. no. 28208. I.S. no. 52247.)

Examination of the drug preparation, I. L. St. John's "Magnetic" brand oil, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the wrapper and in a circular shipped with the article.

On December 13, 1932, the United States attorney for the Northern 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 an information against Frank L. Bridinger, Tiffin, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 18, 1931, from the State of Ohio into the State of Indiana, of a quantity of the said I. L. St. John's "Magnetic" brand oil that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of turpentine oil and rosin, chloroform, alcohol, 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 wrappers, falsely and fraudulently

represented that the article was effective as a treatment, remedy, and cure for rheumatism, sick and nervous headache, coughs, sore throat, diphtheria and croup, toothache, old sores, spinal affections, lame back, earache, contracted cords and muscles, corns, cramps, and colic pains, diarrhoea, gravel and kidney complaint; and in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing in an accompanying circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sore throat, diphtheria, cramps, toothache, lame back, spinal affections, contracted cords and muscles, earache, corns, cramp or colic pains, diarrhoea, kidney complaints, pain in the breast and hoarseness; and effective as a treatment, remedy, and cure for chronic inflammatory rheumatism, sick and nervous headache, coughs, consumption and bronchial affections, catarrh, croup, fever and ague, dyspepsia, lame back of long standing, gravel, piles, and bunions.

On January 7, 1933, the defendant entered a plea of guilty to the information, and on January 31, 1933, the court imposed a fine of $100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20572. Adulteration and misbranding of fluidextract of ergot. U.S. v. Seven 1-pint Bottles of Fluidextract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29004. Sample no. 20454-A.)

This action involved a quantity of a product represented to be fluidextract of ergot of pharmacopoeial standard, and which upon examination was found to possess a potency of not more than one half of that required by the United States Pharmacopoeia for the article. The product, because of its low potency, would not produce certain therapeutic effects claimed in the labeling.

On October 6, 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 seven 1-pint bottles of fluidextract of ergot, remaining in the original unbroken packages at Bayonne, N.J., alleging that the article had been shipped in interstate commerce on or about August 20, 1932, by the Chermak Drug Co., of Bayonne, N.J., from the Imperial Drug Exchange, New York, N.Y., to Bayonne, N.J., 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. * * * American Pharmaceutical Co., Inc. New York, N.Y."

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, "Fluid Extract Ergot", and differed from the standard of strength as determined by the test laid down in the pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the following statement on the label was false and misleading: "Fluid Extract Ergot U.S.P. * * * Physiologically Standardized." Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Action—A powerful stimulant of involuntary muscles especially those of the uterus. An active vaso-constrictor and circulatory stimulant. Uses—Checks postpartum hemorrhage by contracting the uterus. As a routine prophylactic measure post-partum 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 minums (2cc.)."

On November 22, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20573. Adulteration and misbranding of fluidextract of ergot. U.S. v. Three 1-Pint Bottles of Fluidextract Ergot. Default decree of condemnation and destruction. (F. & D. no. 29805. Sample no. 21637-A.)

This action involved a shipment of fluidextract of ergot, represented to be of pharmacopoeial standard and which was found upon examination to have a potency of about one third of that required by the United States Pharmacopoeia for fluidextract of ergot.