On June 17, 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.*

20940. Misbranding of Asmarina. U. S. v. 33 Bottles of Asmarina. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30051. Sample no. 7864-A.)

Examination of the drug product Asmarina disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels, and in a circular shipped with the article.

On April 12, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Asmarina at San Juan, P.R., alleging that the article was in possession of Serra, Garabis & Co., Inc., and was being sold and offered for sale at its place of business at San Juan, P.R., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Translation from Spanish) "Asmarina * * * Distributors in Puerto Rico and Uuited States: The Marini Laboratories Medicine Co. Arecibo, Puerto Rico."

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide, arsenic, small proportions of plant drugs including a mydriatic drug, alcohol (21 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that certain statements regarding the curative or therapeutic effects of the article, appearing in the labeling in Spanish, of which the following is a translation, were false and fraudulent: (Carton and bottle) "Asmarina * * * for the treatment of chronic and acute asthma, oppression of the chest and for the prompt alleviation and relief of diverse bronchial affections"; (circular) "Has given beneficial results due to its spasmodic action in the treatment of Asthma, oppression of the chest and has attained prompt relief in diverse bronchial affections. * * * Asmarina * * * for the treatment of chronic asthma."

On May 5, 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.*

20941. Misbranding of flaxseed. U. S. v. Forty-eight 1-Pound Cans and Forty-eight 4-Ounce Cans of Flaxseed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30065. Sample nos. 35451-A, 35459-A.)

This case involved a lot of flaxseed that was labeled with unwarranted curative and therapeutic claims.

On April 10, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of forty-eight 1-pound cans and forty-eight 4-ounce cans of flaxseed at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on March 2, 1933, by the Mills Sales Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Honor Brand Flaxseed U. S. P. * * * Honor Research Laboratories, New York Chicago."

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent: "A demulcent and emolient used in Catarrh, Dysentery and other Inflammatory Affections of the Mucous Membrane of the Lungs, Intestines and Urinary Passages."

On May 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.*