

effective to rid the blood and tissues of poisons and wastes, as a preparation for diagnosis and treatment, and to eradicate the ailment; effective as an aid to recuperation and to control chronic conditions; effective as a relief for stomach, liver, kidney, intestine, lung, or bladder trouble, rheumatism, emaciation, overweight, sleeplessness, cancer and any other sickness; effective to insure more firm and regular pulse, easier heart beat, more normal blood pressure and temperature, easier breathing, less inflammation, more regular and less painful kidney and bowel action, more restful sleep, more normal skin, less congestion of mucous membranes and reduction of pains in muscles and joints; effective as a treatment for congestion, inflammation of acute kinds, night rising, and insomnia; effective to eliminate poisons and wastes when accompanied with nausea and vomiting, headaches, purgings, and heaviness in eyes, mind, and muscles; effective to increase nerve and brain energy and to control health; and effective as a health food.

On May 31, 1938, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$10 on each of counts 1, 2, and 3, with costs, and ordered that the defendant be placed on probation for a period of 2 years on the remaining counts 4 to 18, inclusive.

M. L. WILSON, *Acting Secretary of Agriculture.*

29265. Adulteration and misbranding of ether. U. S. v. 76 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 42186. Sample No. 24801-D.)

Samples of this product were found to contain benzaldehyde.

On April 15, 1938, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cans of ether at Charlotte, N. C.; alleging that the article had been shipped in interstate commerce on or about September 9, 1937, from New York, N. Y., by Merck & Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, ether, but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statement on the label, "Ether * * * U. S. P.," was false and misleading when applied to an article that contained benzaldehyde.

On May 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29266. Misbranding of milk of magnesia. U. S. v. 240 Bottles of Milk of Magnesia U. S. P. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 42077. Sample No. 24940-D.)

This product was short weight.

On March 31, 1938, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 bottles of milk of magnesia at Augusta, Ga.; alleging that the article had been shipped in interstate commerce on or about November 30, 1937, from New York, N. Y., by Certified Pharmacal Co.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "6 Fluid Ounces," was false and misleading since the bottles contained a less amount.

On May 11, 1938, no claimant having appeared, judgment of condemnation and destruction was entered. On June 22, 1938, the decree was amended to permit delivery of the product to a charitable institution in lieu of destruction.

M. L. WILSON, *Acting Secretary of Agriculture.*

29267. Misbranding of Pinolator. U. S. v. 83 Packages of Pinolator Treatment. Default decree of condemnation and destruction. (F. & D. No. 41039. Sample No. 47289-C.)

The labeling of this product bore false and fraudulent curative and therapeutic statements and design.

On December 10, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the