

Analysis of a sample of the ether by this department showed that it contained peroxide.

The article was labeled in part: "Co, Ether."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of purity as determined by tests laid down in said pharmacopœia, in that it contained peroxide. Adulteration was alleged for the further reason that it was sold under the following standard of purity, (label on can) "The exceptional purity of this ether * * * The exclusion of air by carbon dioxide prevents the oxidation of ether to * * * peroxides by atmospheric oxygen," whereas the purity of the article fell below such professed standard in that it contained peroxide.

Misbranding was alleged for the reason that the following statements appearing on the label of the cans, "The exceptional purity of this ether * * * The exclusion of air by carbon dioxide prevents the oxidation of ether to * * * peroxides by atmospheric oxygen," were false and misleading when applied to an article containing peroxide.

On February 12, 1930, 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.*

17098. Misbranding of Marvel chemical tablets. U. S. v. 68 Bottles of Marvel Chemical Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24120. I. S. Nos. 016140, 025093. S. No. 2378.)

On October 7, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 68 bottles of Marvel chemical tablets at Chicago, Ill., alleging that the article had been shipped by the Marvel Co., from New Haven, Conn., September 10, 1929, and transported from the State of Connecticut into the State of Illinois, 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 the tablets contained boric acid, compounds of aluminum, iron, zinc, and calcium, sulphates, carbonates, tannic acid, menthol, thymol, starch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the container and in the accompanying circular, "Marvel Chemical Tablets, dissolved in Water, produce a * * * corrective solution which checks infection * * * they are of value for local discharges, particularly a persistent white discharge; for weakened and inflamed conditions associated with bad odor; * * * as a prophylactic or preventive of disease. * * * In treating conditions of white discharge or local weakness," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was composed of or contained ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned therein. Misbranding was alleged for the further reason that the statement, "We the undersigned guarantee that the tablets herein are not adulterated or misbranded within the meaning of the Federal food and drugs act," borne on the label, was false and misleading.

On February 27, 1930, 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.*

17099. Misbranding of Dr. Barker's laxative cold tablets and quinine hydrobromate laxative tablets. U. S. v. 6¾ Dozen Packages of Dr. Barker's Laxative Cold Tablets, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24348, 24349. I. S. Nos. 017109, 017110. S. No. 2603.)

On December 13, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, libels pray-