

demnation of 20 boxes, each containing 72 bottles of fluid extract of ginger, remaining in the original unbroken packages at Monroe, La., alleging that the article had been shipped by the American Products Co., Kansas City, Mo., on or about March 24, 1930, and had been transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Fluidext. Ginger U. S. P. Alcohol 83% 2 Ozs. For Medicinal Purposes Only * * * Bottled by American Products Co., Kansas City, Mo."

It was alleged in substance in the libel that the article was subject to condemnation under paragraphs 1 and 2 of section 7 of the act, in the case of drugs, in that the labels bore false representations regarding its strength and purity.

Misbranding was alleged for the reason that the statement "Fluidext. Ginger U. S. P." borne on the label, was false and misleading when applied to a product which did not conform to the United States Pharmacopoeia and which analysis showed contained an unidentified oily material not derived from ginger and which was deficient in ginger extractives.

On June 14, 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.*

17607. Misbranding of liquid Hog Health and flu medicine for hogs. U. S. v. 8 Gallons of Liquid Hog Health, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 24249, 24250, 24251, 24252, I. S. Nos. 016311, 016315, 016316, 016317, 016318. S. Nos. 2439, 2441, 2442, 2443.)

Examination of samples of drug products known as liquid Hog Health, and flu medicine for hogs, taken from portions of the herein described shipments, having shown that the labels bore claims of curative and therapeutic properties which the articles did not possess, and that the liquid Hog Health contained alcohol which was not declared on the labels, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Iowa.

On or about November 18 and November 20, 1929, respectively, the said United States attorney filed in the District Court of the United States aforesaid libels praying seizure and condemnation of 29½ gallons and 1 quart of liquid Hog Health, and ½ gallon of flu medicine for hogs, in various lots at Mapleton, Onawa, Holstein, and Idagrove, Iowa, respectively, alleging that the articles had been shipped by the General Veterinary Laboratory, from Omaha, Nebr., in various consignments, on or about September 8, September 18, and September 19, 1929, respectively, and had been transported from the State of Nebraska into the State of Iowa, 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 liquid Hog Health consisted essentially of sodium hydroxide, small amounts of creosote and chenopodium oil, alcohol (2.05 per cent), traces of a calcium compound, phosphate and chloride, and water (approximately 84 per cent); the flu medicine for hogs consisted essentially of ammonium chloride, phenol, a small amount of alcohol, and water (approximately 84 per cent).

It was alleged in the libels that the articles were misbranded in that the statements, "Liquid Hog Health," "Hog Health," and "Flu Medicine for Hogs," as the case might be, borne on the labels, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged with respect to the liquid Hog Health for the further reason that the article contained alcohol, the quantity or proportion of which was not stated upon the label.

On February 4, 1930, an amended libel was filed in order to incorporate in the libel the following therapeutic claims appearing in the labeling of the flu medicine for hogs: "Flu Medicine for Hogs * * * When symptoms of Hog Flu are apparent * * * The first and second days of treatment, add one quart of 'General Flu Medicine' * * * Thereafter add one pint 'General Flu Medicine' * * * To avoid a possible set-back. The treatment for Flu."

On May 27, 1930, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*