

**17608. Misbranding of Dr. Ware's Black powder and Dr. Ware's Black powder tablets. U. S. v. 5 Dozen Packages of Dr. Ware's Black Powder, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24880, 24881. I. S. Nos. 037636, 037637. S. No. 3217.)**

Samples of drug products known as Dr. Ware's Black powder and Dr. Ware's Black powder tablets from the herein described interstate shipment, having been found to bear in the labeling certain curative and therapeutic claims not justified by their composition, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

On July 7, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of Dr. Ware's Black powder and one dozen packages of Dr. Ware's Black powder tablets, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by the W. S. Kirby Co., Dallas, Tex., on or about April 9, 1930, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Dr. Ware's Black powder consisted essentially of charcoal, bismuth subsalicylate, and an iron compound; Dr. Ware's Black tablets contained the same substances in tablet form.

It was alleged in the libel that the articles were misbranded in that the following statements borne on the labels were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Dr. Ware's Black powder, carton label) "For the Stomach and Bowels \* \* \* Antiseptics \* \* \* For Dysentery, Sick Headache, Cholera Morbus and Intestinal Indigestion \* \* \* Antiseptics. \* \* \* In the treatment of diseases of the stomach and Bowels. \* \* \* in treating all diseases of the Stomach and Bowels;" (Dr. Ware's Black Powder, bottle label) "Antiseptic 'Black Powder' \* \* \* For the Stomach and Bowels, Intestinal Indigestion, Dysentery, Dyspepsia, \* \* \* Cholera Morbus, Colic, Sick Headache \* \* \* For the Treatment of Babies;" (Dr. Ware's Black powder, circular) "For the treatment of all stomach and bowel troubles—dyspepsia, indigestion \* \* \* cramp colic, cholera morbus, sick headache, intestinal indigestion, dysentery, catarrh of the stomach and bowels, constipation and diseases of the rectum, by acting directly on the digestive organs and alimentary canal alleviating the cause of the disease. \* \* \* healing \* \* \* antiseptic \* \* \* purifying and cleansing the stomach and bowels. \* \* \* Dyspepsia \* \* \* dyspepsia \* \* \* Sick Headache \* \* \* Catarrh of Stomach and Bowels \* \* \* Cholera Morbus \* \* \* For Colic or Cramp Colic \* \* \* [testimonials] Several years ago I was troubled with stomach troubles and I tried Ware's Black Powder Tablets which gave immediate relief, \* \* \* I have been a user of Ware's Black Powder for many years, and for dyspepsia or indigestion it has no equal;" (similar statements in Spanish) (Dr. Ware's Black powder tablets, carton label) "For Stomach and Bowel Ills, Dyspepsia, Indigestion, \* \* \* treatment of Dyspepsia, Indigestion and other forms of stomach trouble. \* \* \* used in any form of stomach and bowel complaint. \* \* \* Dyspepsia, Indigestion \* \* \* Pains \* \* \* For Dysentery, Cholera Morbus, Diarrhoea, Bloody Flux; one to three tablets every hour until relieved;" (Dr. Ware's Black powder tablets, large carton label) "For Stomach and Bowel Ills, Dyspepsia, Indigestion, \* \* \* Dyspepsia, Indigestion \* \* \* Pains \* \* \* For Dysentery, Cholera Morbus, Diarrhoea, Bloody Flux, one to three tablets every hour until relieved. \* \* \* treatment of Dyspepsia, Indigestion and other forms of stomach trouble. \* \* \* used in any form of stomach and bowel complaint."

On August 5, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17609. Adulteration and misbranding of ether. U. S. v. 7 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24652, 24653, 24654. I. S. Nos. 017291, 017293, 029458. S. Nos. 2998, 2999, 3000.)**

Samples of ether from the herein described interstate shipments having been found to contain peroxide, indicating deterioration, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.