

October 17, 1928, and in part on or about July 22, 1930, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons, each inclosing a bottle of a liquid and a small carton containing a few tablets.

Examination of a sample of the article by this department showed that it consisted of two preparations, one a liquid and the other tablets; the liquid consisted essentially of extracts of plant drugs including berberis and glycyrrhiza, glycerin, alcohol, and water; the tablets contained bismuth subnitrate, sugars, a trace of ginger, and peppermint oil.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the label of the bottle containing the liquid, the carton containing the tablets, and the carton containing both, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Outside carton) "Dyspeptic Relief * * * For Relief in Stomach Troubles. * * * Intended for the relief of Dyspepsia, Indigestion, * * * Waterbrash, Dilatation, and Catarrh of the Stomach. * * * Stomach Disorders * * * Distress after Eating, Returning of Food into Mouth. Gnawing at pit of Stomach, Coated Tongue, Headache, Dizziness;" (bottle label) "Dyspeptic Relief * * * For Stomach Troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach;" (carton containing tablets) "Dyspeptic Relief Tablets. To Be Taken in Conjunction with the Liquid Medicine to Assist in Relief of Stomach Troubles, Dyspepsia, Indigestion, * * * Dilatation, and Catarrh of the Stomach * * * Remedy."

On August 12, 1930, and November 20, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1761S. Adulteration and misbranding of compound syrup of white pine and tar mentholated. U. S. v. 33 Bottles of Compound Syrup of White Pine and Tar Mentholated. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24723. I. S. No. 027353. S. No. 3067.)

Examination of samples of a drug product known as Compound Syrup of White Pine and Tar Mentholated having shown that the labeling bore curative and therapeutic claims not justified by its composition and that it did not conform to the National Formulary, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On April 16, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 33 bottles of compound syrup of white pine and tar mentholated, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Hoyt Bros. (Inc.), from Newark, N. J., on or about March 6, 1930, and had been transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of tar, menthol, extracts of plant drugs including wild cherry, sugar, chloroform, alcohol, and water.

It was alleged in the libel that the article was adulterated in that its name indicated that it was a compound sirup of white pine with the addition of tar and menthol, whereas it differed in strength, quality, and purity from compound sirup of white pine as described in the National Formulary, with the addition of tar and menthol.

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article, borne on the bottle and carton labels, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label) "Efficient Relief for Coughs * * * For relief of Coughs * * * Bronchitis * * * and various pulmonary disorders;" (carton) "An Effective Relief for Coughs * * * and All Bronchial Affections * * * This preparation is highly recommended as a strengthener and tonic in various disorders of the lungs and throat. It is intended to relieve the cough * * * A simple and efficient remedy for Coughs, * * * and

various Pulmonary disorders, gives grateful relief to inflamed condition of the throat and lungs."

On June 19, 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.*

17619. Adulteration and misbranding of ether. U. S. v. 425 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24655. I. S. Nos. 027527, 027528, 027701. S. No. 2909.)

Samples of ether from the herein described interstate shipment having been found to contain peroxide, indicating deterioration, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On March 25, 1930, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of four hundred and twenty-five 1-pound cans and sixty-three ½-pound cans of ether, remaining in the original unbroken packages at Rahway, N. J., alleging that the article had been shipped by Merck & Co. (Inc.), Philadelphia, Pa., in various consignments on or about January 18, 23, 27, and 29, 1930, respectively, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P."

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

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the label, "Ether * * * U. S. P.," was false and misleading.

On August 1, 1930, Merck & Co. (Inc.), Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled in a manner indicating that it should not be used or sold for medicinal or anaesthetic purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17620. Misbranding of Alvita tablets. U. S. v. 5½ Dozen Packages of Alvita Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24213. I. S. No. 011257. S. No. 2450.)

An examination of a drug product known as Alvita tablets from the herein described interstate shipment having shown that the labels bore curative and therapeutic claims which were not justified by its composition, the Secretary of Agriculture reported the facts to the United States attorney for the District of Colorado:

On November 16, 1929, the United States attorney filed in the District Court of the United States for the said district a report praying seizure and condemnation of 5½ dozen packages of Alvita tablets, remaining in the original unbroken packages at Denver, Colo., consigned by the California Alfalfa Products Co., Lamanda Park, Calif., alleging that the article had been shipped in interstate commerce from Lamanda Park, Calif., into the State of Colorado on or about September 10, 1929, 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 an extract of plant material, traces of sassafras and celery oils, and starch, coated with calcium carbonate and colored brown.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the packages and in the printed matter accompanying the said article, regarding its curative and therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "Tonic Tablets * * * To be used in the treatment of Kidney, Liver and Bladder