

the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 20, 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.*

17771. Adulteration and misbranding of tincture of benzoin. U. S. v. 2¼ Kilograms of Tincture of Benzoin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25090. I. S. No. 2435. S. No. 3343.)

Samples of tincture of benzoin from the herein-described interstate shipment having been found to differ from the requirements of the United States Pharmacopoeia, and to bear no statement on the package, of the quantity of alcohol contained therein, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 4, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2¼ kilograms of tincture of benzoin, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Edward I. Lowell, from New York, N. Y., on or about August 6, 1930, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was invoiced as tincture of benzoin.

Analysis of a sample of the article by this department showed that it contained acetone (0.96 per cent), and that its alcoholic content was 69.64 per cent by volume.

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 strength, quality, or purity as determined by the test laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article. Misbranding was alleged for the further reason that the article contained alcohol and the package did not bear a statement of the quantity or proportion of alcohol contained therein.

On October 29, 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*

17772. Misbranding of Kinmonth's diphtheria and sore throat remedy. U. S. v. 5¾ Dozen Bottles of Kinmonth's Diphtheria and Sore Throat Remedy. Default decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25220. I. S. No. 4780. S. No. 3490.)

Examination of samples of a drug product, known as Kinmonth's diphtheria and sore throat remedy, from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 20, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5¾ dozen bottles of Kinmonth's diphtheria and sore throat remedy, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dr. H. S. Kinmonth Remedy Co., from Asbury Park, N. J., in part on February 6, 1930, and in part on July 30, 1930, and had been transported from the State of New Jersey into the State of New York, 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 it consisted essentially of iron chloride, potassium chlorate, a trace of a magnesium compound, alcohol, and water.

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 bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Diphtheria and Sore Throat Remedy * * * In the early stages of diphtheria * * * Persons suffering from