

17868. Adulteration of ergot of rye. U. S. v. 5 Bags of Ergot of Rye. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25413. S. No. 3686.)

Examination of the ergot of rye from the herein-described import shipment having shown that it contained worm excreta and was in part moldy, decomposed, and worm eaten, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 2, 1930, the United States attorney filed in the United States District Court a libel praying seizure and condemnation of five bags of ergot of rye, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been imported from Hamburg, Germany, having been entered at New York on or about December 17, 1928, and charging adulteration in violation of the food and drugs act.

Examination of a sample of the article by this department showed that it contained worm excreta, that it was moldy in part, decomposed, and worm eaten.

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 strength, quality, and purity as determined by the test laid down in the said pharmacopœia.

On December 26, 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.*

17869. Misbranding of Athlophoros Searles' remedy for rheumatism. U. S. v. Three Dozen Bottles, et al., of Athlophoros Searles' Remedy for Rheumatism. Default decrees of destruction entered. (F. & D. Nos. 25319, 25364, 25365, 25458. I. S. Nos. 615, 707, 11704, 11705. S. Nos. 3576, 3632, 3660, 3699.)

Examination of samples of a drug product, known as Athlophoros Searles' remedy for rheumatism, having shown that the labels bore claims that the article possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On November 19, November 24, and December 9, 1930, the United States attorney filed in the District Court of the United States libels praying seizure and condemnation of 19 dozen bottles of Athlophoros Searles' remedy for rheumatism, remaining in the original unbroken packages at Los Angeles, Calif., consigned in part by the Williams Manufacturing Co., Cleveland, Ohio, and in part by the Athlophoros Co., Pomfret Center, Conn., alleging that the article had been shipped in various lots on or about June 2 and November 4, 1930, from Cleveland, Ohio, into the State of California, and on or about March 13 and October 29, 1930, from Pomfret Center, Conn., into the State of California, 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 sodium salicylate, volatile oils including cassia and peppermint oils and methyl salicylate, glycerin, and water.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Remedy for Rheumatism and, when arising from a Rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache;" (circular) "This remedy goes to the root of the disease. It operates on the blood, muscles and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In cases of Acute Rheumatism * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief, should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the

Joints. For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During pregnancy reduce dose as follows: * * * Chronic and Complicated cases—From the time Athlophoros was first offered to the public, we have solicited, from those who have used it, frank statements of their experience with the remedy; and we have received many thousand letters bearing grateful testimony to its wonderful curative powers.”

On December 19, 1930, January 6, and January 9, 1931, no claimant having appeared for the property, decrees were entered adjudging the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17870. Misbranding of Allen's ulcerine salve. U. S. v. 4 Dozen Small-Sized Bottles, et al., of Allen's Ulcerine Salve. Default orders of destruction entered. (F. & D. Nos. 25340, 25385. I. S. Nos. 743, 11732. S. Nos. 3612, 3643.)

Examination of a sample of Allen's ulcerine salve 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 California.

On November 28 and December 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of six dozen small-sized and one and one-half dozen large-sized bottles or packages of Allen's ulcerine salve, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the J. P. Allen Medicine Co., St. Paul, Minn., alleging that the article had been shipped in interstate commerce from St. Paul, Minn., into the State of California, in part on or about August 1, 1930, and in part on or about August 8, 1930, 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 a lead soap and linseed 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, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Yellow circular and wrapper) "Ulcerine Salve for use in the treatment of Chronic Ulcers, Scrofulous Ulcers, Varicose Ulcers, Indolent Ulcers, White Swelling, * * * and all Old Sores of long standing. Also for Boils, Felons, Carbuncles, Abscesses, Salt Rheum, * * * Chilblains, Gun Shot Wounds, Bites of Animals * * * and all Poisoned and Lacerated Wounds, * * * and all Fresh Wounds;" (additional on yellow circular) "For Ulcers and Old Sores, * * * For Inflammatory Rheumatism and Chilblains, * * * For Pains in the Back, Chest or Side, * * * For Corns, * * * For Boils, Carbuncles, Abscesses, * * * For Swollen Joints, * * * For * * * Gun Shot Wounds and all Lacerated and Open Wounds, * * * For Stings, * * * and all Poisoned Wounds, * * * Ulcerine Salve is a splendid thing for boils, carbuncles, abscesses, felons, burns, * * * and all fresh wounds;" (label) "Ulcerine Salve, For use in the treatment of Chronic Ulcers, Scrofulous Ulcers, Salt Rheum, Milk Leg * * * White Swelling, Varicose Ulcers, Indolent Ulcers, Carbuncles, Erysipelas, * * * Bunions, Frost Bites, * * * Swollen Joints, Felons, Boils, Abscesses, Chilblains, and all old sores of long standing."

On January 6, 1931, no claimant having appeared for the property, decrees were entered adjudging the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17871. Misbranding of Dr. Whitehall's rheumatic remedy. U. S. v. 20 Boxes of Dr. Whitehall's Rheumatic Remedy. Default decree of destruction entered. (F. & D. No. 25410. I. S. No. 740. S. No. 3661.)

Examination of samples of Dr. Whitehall's rheumatic remedy having shown that the label 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 California.

On December 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 boxes of Dr. Whitehall's rheumatic remedy, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Kells Co.,