

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18026-18050

[Approved by the Secretary of Agriculture, Washington, D. C., June 24, 1931]

18026. Adulteration of ether. U. S. v. 26 Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to this department. (F. & D. No. 25609. I. S. No. 8929. S. No. 3901.)

A sample of ether from the shipment herein described having been found to contain peroxide, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about July 1, 1930, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

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, and purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

On March 21, 1931, 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 delivered to this department for analytical purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18027. Adulteration and misbranding of ether. U. S. v. Twelve 1-Pound Cans, et. al., of Ether. Default decrees of condemnation and forfeiture. Portion of product released to this department; remainder destroyed. (F. & D. Nos. 25406, 25672, 25940. I. S. Nos. 8815, 8839, 28136. S. Nos. 3673, 3953, 4199.)

Samples of ether taken from each of the shipments herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On December 2, 1930, January 13, 1931, and February 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of twelve 1-pound cans and 107 quarter-pound cans of ether, remaining in the original unbroken packages in part at Pittsburgh, Pa., and in part at Erie, Pa., alleging that the article had been shipped by Merck & Co. (Inc.) from Rahway, N. J., in various consignments, on or about April 21, 1930, September 9, 1930, and January 23, 1931, respectively, and had been transported from the State of New Jersey into the State of Pennsylvania, 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." or "Ether U.S.P."

Adulteration was alleged in the libels filed with respect to a portion of the article for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia.