

18080. Misbranding of Hakka cream compound. U. S. v. 26 Packages of Hakka Cream Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25892. I. S. No. 20176. S. No. 4081.)

Examination of samples of a drug product, known as Hakka cream compound, from the herein-described shipment having shown that the carton and circular contained claims of curative and therapeutic properties which the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 14, 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 packages of Hakka cream compound, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hakka Chemical Co., from Boston, Mass., on or about December 10, 1930, and had been transported from the State of Massachusetts 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 petrolatum, boric acid, menthol, camphor, and traces of phenol and hexylresorcinol.

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, borne on the carton label and in the accompanying circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For * * * Nasal Catarrh, Paroxysms of Hay Fever, Etc. * * * For * * * Nasal Catarrh, Paroxysms of Hay Fever, Etc.;" (circular) "For relief of first stages of * * * Catarrhal Influenza, Hay Fever, Nasal Catarrh and troubles of a like character . * * * For Acute Nasal Conditions * * * and Hay Fevers. * * * Hay Fevers * * * Hemorrhoids * * * Boils and Carbuncles."

On March 6, 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18081. Misbranding of Regum tooth paste. U. S. v. 8½ Dozen Tubes of Regum (Regum) Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25560. I. S. No. 12041. S. No. 3844.)

Examination of a sample of a product, known as Regum tooth paste, having shown that the carton and tube labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 29, 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 eight and one-half dozen tubes of Regum (Regum) tooth paste, remaining in the original unbroken packages at Denver, Colo., consigned by Morgan & Sampson, San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about August 23, 1930, and had been transported from the State of California into the State of Colorado, 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 calcium carbonate, glycerin, resins, fatty acids, and water, flavored with aromatic oils.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton) "Hardens the gums;" (tube) "Stops Bleeding gums. Prevents pyorrhea;" (circular) "Into the irritated, torn, bleeding gums germs lodge and multiply, and thus pyorrhea starts and will continue its course of tooth destruction unless the tartar deposits under the gums are removed. Regum (Regum) will prevent this menace to dental health for it retards the formation of tartar. * * * Quickly, Regum (Regum) will heal and strengthen sore, tender, inflamed, bleeding gums * * * Heals Bleeding Gums."

On February 14, 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18082. Adulteration and misbranding of powdered ipecac root. U. S. v. R. Hillier's Son Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 25016. I. S. No. 0122.)

Samples of powdered ipecac root from the shipment herein described having been found to contain less ether-soluble alkaloids than required by the United States Pharmacopoeia and less ether-soluble alkaloids and more ash than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against R. Hillier's Son Co. (Inc.), a corporation trading at New York, N. Y., alleging shipment by said company under the name of Charles L. Huisking & Co. (Inc.), in violation of the food and drugs act, on or about February 16, 1929, from the State of New York into the State of California, of a quantity of powdered ipecac root which was adulterated and misbranded. The article was labeled in part: "Powdered Ipecac Root. The lot from which this parcel was taken was carefully sampled, the sample showing an assay of 1.99% Ether Soluble Alkaloids, 3.45% Ash. U. S. P. R. Hillier's Son Company, Inc. * * * New York. * * * Jersey City, N. J."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it yielded 1.47 per cent of the ether-soluble alkaloids of ipecac, whereas the said pharmacopoeia provided that ipecac should yield not less than 1.75 per cent of the ether-soluble alkaloids of ipecac. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to show an assay of 1.99 per cent of the ether-soluble alkaloids of ipecac and 3.45 per cent of ash, and to conform to the standard laid down in the United States Pharmacopoeia, whereas it showed an assay of 1.47 per cent of the ether-soluble alkaloids of ipecac and 5.05 per cent of ash, and did not conform to the standard laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Powdered Ipecac Root * * * 1.99% Ether Soluble Alkaloids, 3.45% Ash U. S. P.," borne on the label attached to the packages containing the article, were false and misleading in that the said statements represented that the article contained 1.99 per cent of ether-soluble alkaloids of ipecac, and 3.45 per cent of ash, and that it conformed to the standard laid down in the United States Pharmacopoeia, whereas it contained 1.47 per cent of the ether-soluble alkaloids of ipecac, and 5.05 per cent of ash, and did not conform to the standard laid down in said pharmacopoeia.

On February 26, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18083. Adulteration of Spanish ergot. U. S. v. 1 Bag of Ergot Spanish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25578. I. S. No. 15349. S. No. 3870.)

Samples of Spanish ergot from the import shipment herein described having been found to be moldy, decomposed, and worm eaten, and to contain worm excreta, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On December 30, 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 one bag of Spanish ergot, remaining in the original package at Brooklyn, N. Y., alleging that the article had been shipped from Vigo, Spain, about August 30, 1927, and was entered at the Port of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bag 28B Ergot Spanish, H. W. New York."