

tion of the samples, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of eighty ¼-pound cans, one hundred and thirty ½-pound cans, and forty-nine 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., in various consignments, on July 15, July 19, July 25, and November 22, 1930, and had been transported from the State of Missouri into the State of Illinois, 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."

It was alleged in the libels 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 the said pharmacopoeia official at the time of the investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statements on the labels, "Ether U. S. P." or "Ether \* \* \* U. S. P.," were false and misleading.

On April 20, 1931, Merck & Co. (Inc.), St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18186. Adulteration of ether. U. S. v. Fifty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25087. I. S. No. 7347. S. No. 3368.)**

Samples of ether from the shipment 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 Northern District of Alabama.

On August 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 fifty 1-pound cans of ether, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by the Mallinckrodt Chemical Works from St. Louis, Mo., on or about January 3, 1930, and had been transported from the State of Missouri into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

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.

On March 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.*

**18187. Misbranding of Ac-Ac. U. S. v. 4½ Dozen Bottles of Ac-Ac. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25148. I. S. No. 7400. S. No. 3409.)**

Examination of a drug product, known as Ac-Ac, from the shipments herein described having shown that the bottle label contained 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 Southern District of Mississippi.

On September 17, 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 four and one-half dozen bottles of Ac-Ac, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Approved Formulas Corporation, Birmingham, Ala., in part on or about April 11, 1930, and in part on or about May 21, 1930, and had been transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The bottles containing the article were labeled in part: "Ac-Ac \* \* \* For Influenza \* \* \* For Pains of Any Character."

Analysis of a sample of the article by this department showed that it consisted essentially of acetylsalicylic acid, acetanilid, caffeine, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in the label represented that the article was indicated or recommended in cases of influenza and for pains of any character, which statements were false and fraudulent, since the article did not have the said curative or therapeutic effects.

On March 25, 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.*

**18188. Adulteration and misbranding of Reno's antiseptic wash. U. S. v. 28 Bottles of Reno's Antiseptic Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25310. I. S. No. 030467. S. No. 3530.)**

Examination of a drug product known as Reno's antiseptic wash having shown that the article was not antiseptic and that the carton label 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 Southern District of Florida.

On November 13, 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 28 bottles of Reno's antiseptic wash, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by S. B. Leonardi & Co., from New York, N. Y., on or about November 17, 1927, and had been transported from the State of New York into the State of Florida, 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 berberine, small proportions of boric acid and camphor, and a trace of hydrastine. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (carton and bottle label) "Antiseptic," whereas the strength of the article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton and bottle label, "Antiseptic," was false and misleading when applied to an article that was not antiseptic. Misbranding was alleged for the further reason that the following statements, and similar statements in foreign languages, borne on the carton, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Leucorrhoea or Whites and all discharges due to inflammation of the mucous membrane of the vagina."

On January 29, 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.*

**18189. Adulteration of ergot of rye. U. S. v. 3 Bags of Ergot of Rye. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25290. I. S. No. 10306. S. No. 3556.)**

Samples of ergot of rye from the shipment herein described having been found to be moldy and worm eaten, with insect excreta and other extraneous matter present in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 3, 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 three bags of ergot of rye at Chicago, Ill., alleging that the article had been shipped by F. W. Berk & Co. (Inc.), from New York, N. Y., October 4, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bag) "Spanish Ergot New York;" (tag) "F. W. Berk & Co., Inc., \* \* \* New York."