

venting receding gums, making them hard and firm. * * * A Healthy Mouth is a Good Foundation;" (circular) "Pyro Sana Tooth Paste will check pyorrhoea, make the gums hard and firm, relieve and prevent, soft, bleeding gums and maintain a vigorous and healthy mouth."

On May 12, 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.*

18330. Adulteration and misbranding of ether. U. S. v. 59 Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25589. I. S. No. 12060. S. No. 3894.)

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 District of Colorado.

On January 5, 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 59 quarter-pound cans of ether, remaining in the original unbroken packages at Pueblo, Colo., consigned by Merck & Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about August 7, 1930, and had been transported from the State of Missouri into the State of Colorado, 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."

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

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading, since the article did not conform to the standard known as U. S. P.

On May 12, 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.*

18331. Misbranding of Worm-O-Tone. U. S. v. 4 Cases, et al., of Worm-O-Tone. Default decree of forfeiture and destruction. (F. & D. No. 25531. I. S. No. 2226. S. No. 3800.)

Examination of a drug product, known as Worm-O-Tone, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

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 4 cases, each containing 6 dozen quart-sized bottles, and 1 case containing 1½ dozen pint-sized bottles of Worm-O-Tone, remaining in the original unbroken packages at Salem, Oreg., alleging that the article had been shipped by F. F. Smith & Co., from Sacramento, Calif., on or about October 28, 1930, and had been transported from the State of California into the State of Oregon, 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 compound of copper, turpentine oil, a fatty oil, a gum (emulsifying agent), and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, 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: (Label, pint and quart size) "Worm-O-Tone Tonic For Bowel Ailments, Worm Control, Pox, Roup, And Swell Head. Worm-O-Tone is * * * for the purpose of relieving the intestinal tracts of all fowls of worms. It also allays irritation and the inflamed conditions connected therewith, and re-establishes a normal and healthy condition by lubrication and by assisting