

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 1 dozen 16-ounce bottles, 1 dozen 8-ounce bottles, and 2½ dozen 4-ounce bottles of Lavodent, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lavodent Research Laboratories (Inc.), from Philadelphia, Pa., in various consignments on or about September 2, 1929, May 24, 1930, and September 14, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, 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 zinc chloride, ammonium chloride, saccharin, and flavoring oils including cassia oil, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading, since the article was not antiseptic: (Bottle labels for 16-ounce and 8-ounce sizes) "Which is an antiseptic * * * it is several times as powerful a germicide as phenol * * * a powerful germicide and disinfectant * * * an antiseptic;" (circular accompanying 16-ounce and 4-ounce sizes) "Lavodent has an inhibitive action on these bacteria. * * * Is several times as powerful a germ killer as pure carbolic acid." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (16-ounce size, band on bottle neck) "For healthy gums;" (bottle label) "Prevents Pyorrhea * * * Strengthens the gums;" (8-ounce size, bottle label) "Prevents Pyorrhea * * * Strengthens the gums;" (4-ounce size, bottle label) "For Pyorrhea * * * use Lavodent with equal parts of hot water every four hours."

On April 20, 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.*

18373. Adulteration of ether. U. S. v. 180 Cans of Ether. Default decree entered. Product ordered delivered to University of Minnesota for experimental purposes. (F. & D. No. 25995. I. S. No. 24916. S. No. 4272.)

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 Minnesota.

On March 7, 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 180 cans of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about January 24, 1931, and had been transported from the State of Missouri into the State of Minnesota, 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 test laid down in said pharmacopoeia official at the time of investigation, in that it contained peroxide, and its own standard was not stated on the label.

On April 22, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal. Subsequently an amended decree was entered permitting release of the product to the University of Minnesota, Minneapolis, Minn., for use in the laboratory for experimental purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18374. Adulteration and misbranding of ether. U. S. v. 100 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26014. I. S. Nos. 12875, 22051. S. Nos. 4311, 4312.)

Samples of ether from 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 Northern District of California.