

**18382. Adulteration and misbranding of ether. U. S. v. Two Hundred and Sixty ½-Pound Cans of Ether. Default decree of destruction entered. (F. & D. No. 25584. I. S. Nos. 15062, 15063, 15064, 15065. S. Nos. 3874, 3876.)**

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 District of Minnesota.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on January 28, 1931, an amended libel, praying seizure and condemnation of 260 half-pound cans of ether at Minneapolis, Minn., alleging that the article had been shipped by Merck & Co., from Rahway, N. J., in part on or about April 18, 1930, and in part on or about April 29, 1930, and had been transported from the State of New Jersey into the State of Minnesota, 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 as amended 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, in that it contained peroxide, 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.

On May 21, 1931, the claimant for the property having withdrawn its answer, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18383. Adulteration and misbranding of ether. U. S. v. Eight 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25230. I. S. No. 54. S. No. 3508.)**

A sample 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 California.

On October 23, 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 5-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about August 4, 1930, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether Purified U.S.P.X."

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, or purity as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label. Adulteration was alleged for the further reason that the strength or purity of the article fell below the professed standard under which it was sold, namely, "Ether Purified U.S.P.X."

Misbranding was alleged for the reason that the statement on the label, "Ether Purified U.S.P.X.," was false and misleading.

On November 20, 1930, 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.*

**18384. Misbranding and alleged adulteration of Nestor emulsion of cod-liver oil. U. S. v. 22 Bottles of Nestor Emulsion of Cod Liver Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25819. I. S. No. 8158. S. No. 4036.)**

Examination of a drug product, known as Nestor emulsion of cod-liver oil, from the shipment herein described having shown that the article contained less cod-liver oil and alcohol than declared on the labels, also that the bottle 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 Western District of Tennessee.

On January 27, 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 22 bottles of Nestor emulsion of cod-liver oil at Memphis, Tenn.,

alleging that the article had been shipped by the Nestor Drug & Chemical Co., from Chicago, Ill., on or about October 9, 1930, and had been transported from the State of Illinois into the State of Tennessee, 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 cod-liver oil (39.94 per cent), small proportions of calcium and sodium hypophosphites, egg yolk, phosphoric acid, alcohol (8.4 per cent), and water, flavored with methyl salicylate.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Cod Liver Oil 50 Per Cent 12½ Alcohol," and the strength of the article fell below such professed standard, since it contained less cod-liver oil and alcohol than so represented.

Misbranding was alleged for the reason that the statements on the label, "Cod Liver Oil 50 Per Cent Alcohol 12½ Per Cent," were false and misleading when applied to the article. Misbranding was alleged for the further reason that the following statements on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "A reliable preparation for many forms of Pulmonary Diseases and other Lung Troubles, Cough, and General Debility."

On May 12, 1931, no claimant having appeared for the property, a decree was entered adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18385. Adulteration and misbranding of ether. U. S. v. 90 One-Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25587. I. S. No. 8172. S. No. 3896.)**

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 Western District of Tennessee.

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 90 one-quarter-pound cans of ether at Memphis, Tenn., alleging that the article had been shipped by Merck & Co., St. Louis, Mo., on or about July 9, 1930, and had been transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. for Anaesthesia."

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 the said pharmacopoeia official at the time of the investigation.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P. For Anaesthesia," was false and misleading.

On April 10, 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.*

**18386. Misbranding and alleged adulteration of Dr. Huff's combination tooth powder and mouth wash. U. S. v. 23 Cans of Dr. Huff's Combination Tooth Powder and Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25801. I. S. No. 8144. S. No. 3985.)**

Examination of the drug product herein described having shown that the article was represented to be an antiseptic, whereas it was not, also that the can and carton labels and the accompanying circular contained 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 Western District of Tennessee.

On January 23, 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 23 cans of Dr. Huff's combination tooth powder and mouth wash at Memphis, Tenn., alleging that the article had been shipped by Huff's (Dr. Huff's) Tooth Powder Co., from Hot Springs National Park, Ark., on or