

It was alleged in substance in the libel that the article was labeled in part, (carton and bottle) "Articular Rheumatism, Gouty Rheumatism, Inflammatory Rheumatism, Muscular Rheumatism, Sciatic Rheumatism, Acute or Chronic," (circular) "But do claim that it has been beneficial in genuine cases of Sciatic Rheumatism," and that it was misbranded, which misbranding was false and misleading. This department recommended that the charge be brought that the article was misbranded in that the statements from the carton and bottle labels and circular, above quoted, and certain additional statements appearing in the circular, were false and fraudulent.

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.*

**18397. Misbranding of Wampole's vaginal cones boroglyceride compound with ichthyol. U. S. v. 9 $\frac{1}{2}$  Dozen, et al., Wampole's Vaginal Cones Boroglyceride Compound with Ichthyol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25222, 25223. I. S. Nos. 8788, 8789. S. Nos. 3495, 3496.)**

Examination of a sample of Wampole's vaginal cones boroglyceride compound with ichthyol taken from one of the shipments herein described having shown that the wrapper, box label, and accompanying circular 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 New York.

On October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 31 $\frac{1}{2}$  dozen Wampole's vaginal cones boroglyceride compound with ichthyol, remaining in the original unbroken packages at Buffalo, N. Y., consigned by H. K. Wampole & Co., Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., in various consignments, between the dates of April 3, 1930 and September 22, 1930, and had been transported from the State of Pennsylvania 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 boric acid, borax, a sulphonated oil, a zinc compound, glycerin, and gelatin.

It was alleged in the libels 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 ingredient or combination of ingredients capable of producing the effects claimed: (Shipping wrapper) "Useful in Inflammatory Conditions;" (box) "For Inflammatory or Congested Conditions of the Vagina and Uterus;" (circular) "In treatment of gonorrhoea, Wampole's Ichthyol Cones should prove a helpful adjunct, in view of the reported effectiveness of Ichthyol in cases of acute and chronic gonorrhoea \* \* \* melting and dissolving slowly and completely, insuring opportunity for prolonged therapeutic action."

On January 7, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18398. Adulteration and misbranding of ether. U. S. v. Sixteen  $\frac{1}{4}$ -Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25906. I. S. No. 27585. S. No. 4162.)**

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 North Carolina.

On February 16, 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 sixteen  $\frac{1}{4}$ -pound cans of ether, remaining in the original unbroken packages at Asheville, N. C., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about October 18, 1930, and had been transported from the State of New Jersey into the State of North Carolina, and charging adulteration and misbranding in violation of the food