

**18466. Adulteration and misbranding of fluid extract ergot. U. S. v. 12 Pint Bottles, et al., of Fluid Extract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25829. I. S. Nos. 11531, 11532. S. No. 4062.)**

Examination of fluid extract ergot from the shipment herein described having shown that it was represented to be a pharmacopoeial product, whereas its potency was approximately one-half that required by the pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On January 28, 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 12 pint bottles and 22 four-ounce bottles of fluid extract ergot, remaining in the original unbroken packages at San Francisco, Calif., consigned by John Wyeth & Bro. (Inc.), Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., on or about December 6, 1930, and had been transported from the State of Pennsylvania into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ergot U. S. P. Tenth Revision."

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 as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P. Tenth Revision," was false and misleading.

On June 27, 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.*

**18467. Adulteration of ether. U. S. v. 15 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24933. I. S. No. 6729. S. No. 3263.)**

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 Illinois.

On July 31, 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 15 cans of ether at Chicago, Ill., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., April 4, 1930, and had been transported from the State of Missouri into the State of Illinois, 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 the name of "ether," 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.

On May 18, 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.*

**18468. Adulteration and misbranding of Muco-Solvent. U. S. v. 66 Dozen Bottles of Muco-Solvent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24785. I. S. No. 036388. S. No. 3155.)**

Examination of the drug product Muco-Solvent involved in the shipments herein described showed that the bottle and carton labels and an accompanying booklet bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The labels further claimed that the article was a vegetable compound, which contained no harmful drug and which could be administered safely to the youngest infant as well as to adults, that it possessed antiseptic properties, and contained 18 per cent of alcohol; whereas it was not entirely a vegetable compound, it might be harmful, it was not antiseptic, and it contained more alcohol than declared.

On June 4, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 66 dozen bottles of Muco-Solvent at Chicago, Ill., alleging that the article had been shipped by the McKesson Van Vleet Ellis Corporation, from Memphis, Tenn., in various consignments, on February 20, March 1, March 15, March 29, April 15, April 18, and April 29, 1930, and had been transported from the State of Tennessee into the State of Illinois, 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 salicylic acid, extracts of plant drugs, glycerin, alcohol (29.07 per cent), and water.

It was alleged in the libel that the article was misbranded under section 7 of the act in that its strength and purity fell below the professed standard or quality under which it was sold, namely: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics \* \* \* It is made of Nature's remedies—leaves, herbs, roots, etc. \* \* \* Measles \* \* \* The specific action of Muco-Solvent upon the Mucous Membrane destroys the germ." (Section 7 of the food and drugs act defines adulteration. The word "misbranded" was used in the above charge, apparently through inadvertence, instead of the word "adulterated," recommended by this department.)

It was further alleged in the libel that the article was misbranded in that the following statements in the labeling were false and misleading, since the article contained no germicidal ingredients: (Booklet) "Muco-Solvent is a vegetable compound, a solution of nature's antiseptics. \* \* \* It is made of Nature's remedies—Leaves, herbs, roots, etc. \* \* \* It is a germicide in the use of which the bacilli is killed and the accumulated mass dissolved and disintegrated. It contains no \* \* \* harmful drug, and may be safely administered to the youngest infant as well as to adults. \* \* \* Its action is that of a \* \* \* antiseptic. \* \* \* It wins its victory by destroying the disease germs. \* \* \* Measles \* \* \* The specific action of Muco-Solvent upon the mucous membrane destroys the germ;" (carton and bottle label) "Contents average 18 per cent alcohol." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle) "For internal use in attacks of Catarrh \* \* \* Sore Throat, Tonsillitis, Quinsy;" (carton) "For \* \* \* Sore Throat, Tonsillitis, Catarrh, etc. \* \* \* For \* \* \* Catarrh, Tonsillitis, Quinsy, Sore Throat;" (booklet) "The mission of this little book is to give the Mother (who is the doctress of all ills in the home), as well as other members of the household, a simple treatment of coughs, colds, grippe and other similar ailments of the mucous membrane, to prevent their growing into serious maladies. \* \* \* 'All the children of my family had a severe attack of Diphtheria, which was successfully treated and no serious effects resulted from said disease, and we candidly think we escaped serious results by a thorough application of Muco-Solvent. We used this medicine only, administered plenty of it; the results are so satisfactory that we cheerfully give this testimonial. When it is understood that Diphtheria was prevalent and nearly all families in our vicinity were affected by it and many deaths occurred, we feel more than thankful that we discovered this remedy in time.' \* \* \* 'Muco-Solvent \* \* \* We not only value it for its marvelous worth in all acute ailments accompanied with throat affections or coughs, but for its general usefulness as well. Our faith in it is so strong we use it for about everything. We have never used anything so effective for sores, \* \* \* It heals quickly and prevents festering.' 'I have used Muco-Solvent in my family for sore throat, measles and catarrh in the head, and it cures every time. Several of my friends have used it for croup with their children, and made remarkable cures. \* \* \* We have used your throat medicine, Muco-Solvent, for more than 17 years. We have kept it ready for use during all of this time, and find it a specific, not

only for all kinds of throat troubles, but also for any inflammation or laceration of the mucous membrane surfaces.' 'Have been troubled with quinsy for over 20 years \* \* \* remedies \* \* \* have never found one which gave as good results as yours. Can heartily commend it for all who need a medicine for sore throat.' \* \* \* we know (because it has been proved in millions of cases) that Muco-Solvent, if taken in time, will prevent diseases of the mucous membrane from gaining headway and developing into serious illness. The slight cough or cold is very often the forerunner of La Grippe, Sore Throat, Influenza, Tonsillitis, Quinsy, and the dreaded Diphtheria. These coughs \* \* \* can be quickly checked with the prompt use of Muco-Solvent. Keep a bottle of Muco-Solvent on the shelf at all times and prevent sickness in your home. \* \* \* Muco-Solvent will afford quick relief for Coughs \* \* \* Sore Throat, La Grippe, and will tend to prevent an attack of Influenza, Diphtheria, etc. \* \* \* Muco-Solvent (originally known as 'Diphtheria Preventive and Cure') \* \* \* throat specialist \* \* \* he saved thousands by his great discovery, Muco-Solvent. \* \* \* during an epidemic of Diphtheria, this medicine was brought to the attention of a wealthy lumberman \* \* \* By its use his sister, and later two daughters, were cured, of Diphtheria. \* \* \* Its success being so marked, not only in the treatment of Diphtheria cases, but in all throat troubles \* \* \* a specific for all suppurative and inflammatory diseases of the mucous membrane. \* \* \* as its name implies, is a solvent or a special remedy for the treatment of those diseases which attack the mucous membrane. Its action is that of a \* \* \* healing antiseptic. It breaks down and dissolves the mucous gathering in the throat or air passages and assists Nature in carrying away the accumulated mass. \* \* \* Used internally it is a specific for preventing or arresting the development of every ailment accompanied by a cough, sore throat, or any inflamed condition of the mucous surfaces, such as \* \* \* Tonsillitis, Bronchitis, Quinsy, Croup, Whooping Cough, Grippe, Influenza, Catarrh, Hay Fever, Diphtheria, etc. \* \* \* for treating the nose or throat \* \* \* to prevent development of serious illness. Muco-Solvent and Muco Salve Prevent the Common Cold from Gaining Headway. \* \* \* a so-called 'cold' may also be the first sign of measles, whooping cough, or diphtheria in infants. \* \* \* An ordinary cold, a little cough, a slight hoarseness or a sore throat—these are the beginnings of more diseases than almost any other bodily disturbance. \* \* \* neglected, they may quickly develop into a serious or even fatal disease. \* \* \* Muco-Solvent is wonderfully successful in arresting and relieving colds, coughs, and all throat and bronchial troubles. It acts as a germicide, effecting its relief by destroying the germs of disease. \* \* \* Directions \* \* \* take \* \* \* until relieved. \* \* \* Sore Throat \* \* \* Directions. Gargle the throat with Muco-Solvent, slightly diluted with water every half hour and swallow a teaspoonful of Muco-Solvent, full strength, every two hours until relieved. \* \* \* Whooping Cough \* \* \* The danger in the disease lies in the weakening effect on the child's system, and subsequent liability to attacks of \* \* \* pneumonia and bronchitis. Muco-Solvent is of particular value in preventing those troubles and in easing the coughing. \* \* \* Before it is clearly recognized, that is, before the whooping begins, there are from five to fourteen days when it cannot be told from an ordinary severe cough; that is the time for the mother to take action, and by the use of Muco-Solvent seek to prevent the more serious symptoms. \* \* \* Whooping cough fully developed is a stubborn ailment, but even then Muco-Solvent will mitigate its violence, and in very many cases, effectually relieve as well as fortify the child against throat and lung troubles, which often follow the disease. Directions. Swallow ordinary dose every two, three, or four hours, according to severity of case. Also gargle throat with Muco-Solvent at like intervals between internal doses. If patient can not gargle, use throat brush or swab. \* \* \* Croup \* \* \* unless checked quickly is likely to lead to more serious complications. Croup is an inflammation of the larynx, including the throat and trachea, which results in an exudation that coagulates, forming a pseudo-membrane on those parts. \* \* \* The prompt use of Muco-Solvent will often prevent serious development. \* \* \* Directions. Swallow double the ordinary dose every 15 to 20 minutes until relieved. Usually two or three such doses are sufficient. \* \* \* Tonsillitis—Quinsy \* \* \* Muco-Solvent, administered promptly, will relieve quickly and prevent suppuration. \* \* \* Measles \* \* \* The specific action of Muco-Solvent

upon the Mucous Membrane destroys the germ and hastens a cure. \* \* \* Diphtheria \* \* \* In treating diphtheria, it is necessary to reach the seat of trouble—the medicine must get to the germs in order to check and destroy them before they get into the blood. Muco-Solvent should, therefore, be used as a douche or spray as well as taken internally. It should also be used as a gargle in treating Diphtheretic sore throat. \* \* \* Muco-Solvent will probably give relief and will arrest the growth of this malady until medical aid is secured. \* \* \* we have great faith in Muco-Solvent, and since it is not incompatible with other medicine we urge its continuous use regardless of what else the patient may be taking. \* \* \* Scarlet Fever. The throat is chiefly affected in Scarlet Fever. It is the Mucous Membrane that is first involved, the same as in Diphtheria. In Scarlet Fever, as well as in Measles, Muco-Solvent, if given early, will act as an entire preventive, giving speedy relief or cut short the course of the disease. \* \* \* As Preventive During Epidemics: \* \* \* Sores and Skin Diseases: Used externally, Muco-Solvent \* \* \* is the true household remedy in treating all throat troubles. \* \* \* In the treatment of \* \* \* Catarrh, Hay Fever, and any other affection of the Mucous Membranes, a solution of Muco-Solvent may be inhaled with absolute confidence in the results to be obtained. \* \* \* Muco-Solvent and Muco Salve are Household Remedies and indispensable because of their dependability in treating all membranous affections such as \* \* \* Coughs, Sore Throat, Tonsillitis, Bronchitis, Croup, Whooping Cough, Grippe, Influenza, Diphtheria, etc. \* \* \* they are a preventive as well as a cure. They arrest the development of all contagious, germ, and bacterial diseases." Misbranding was alleged for the further reason that the package containing the article failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On May 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.*

**18469. Adulteration and misbranding of ether. U. S. v. Twenty-four 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26049. I. S. Nos. 24419, 24420. S. No. 4352.)**

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 Illinois.

On March 20, 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 twenty-four 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by the General Chemical Co., in part from Marcus Hook, Pa., November 24, 1930, and in part from Philadelphia, Pa., January 3, 1931, and had been transported from the State of Pennsylvania 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 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 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 statement on the label, "Ether U. S. P.," was false and misleading.

On May 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.*

**18470. Misbranding of PX. U. S. v. Ten 16-Ounce Bottles, et al., of PX. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26050. I. S. No. 14630. S. No. 4374.)**

Examination of a drug product, known as PX, having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did