

had been transported from the State of New Jersey into the State of Ohio, 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 the tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading when applied to an article differing from the pharmacopoeial requirements, in that it contained peroxide.

On May 16, 1931, no claimant having appeared for the property, judgment was entered finding the product liable to condemnation, and it was ordered by the court that the said product be sold by the United States marshal under terms and conditions that would not violate the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18481. Misbranding of Dr. Wagner's tonic and stomachic. U. S. v. 120 Bottles of Dr. Wagner's Tonic and Stomachic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25980. I. S. No. 20611. S. No. 4226.)

Examination of a drug product, known as Dr. Wagner's tonic and stomachic, from the shipments herein described having shown that the carton label and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it contained less alcohol than declared on the carton and bottle labels, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On March 6, 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 120 bottles of Dr. Wagner's tonic and stomachic, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by A. L. Wagner & Co., North Chicago, Ill., on or about January 23 and January 24, 1931, and had been transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of bitter plant drugs, glycerin, alcohol (19.75 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and bottle labels, "Contains 25% Alcohol by Volume," and on the bottle label, "Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial Number 32329," were false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was not correct. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Health Builder;" (circular) "Stomach bothering you? * * * By taking Dr. Wagner's Stomach Tonic according to directions, men and women will benefit, be stronger, and more able to resist a breakdown from overwork and advancing age. Women report 'am looking younger every day'—'I feel like a new woman.' Don't fool with indigestion. Its results are often serious and sometimes fatal. Cramps, Headache, Dizziness, Sleeplessness are nature's warnings. It is always better to take care of Indigestion caused by insufficient gastric juices at once, rather than neglect it. Don't continue to suffer when relief can be had so easily. Let this famous remedy help you. * * * has given beneficial results to thousands who have suffered ill health. Indigestion is one of the most common as well as one of the most serious ailments of American people. Do Not Neglect Stomach Trouble. * * * A reconstructive metabolic Stomach Aid, Rejuvenator and * * * recommended for nursing mothers, convalescents and persons afflicted with insomnia, flu, coughs, * * * dyspepsia and loss of appetite. Aids digestion. Gives you tone, health and vigor, enriches the blood, restores strength, builds up the system generally. * * * is especially indicated for those anemic conditions of the system accompanying loss of weight, poor appetite, lack of energy and general run-down feeling."

On June 13, 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.*

18482. Adulteration and misbranding of Pyros. U. S. v. 6 Dozen Packages of Pyros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25997. I. S. No. 11081. S. No. 4282.)

Examination of a drug product, known as Pyros, from the shipment herein described showed that the bottle and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties that it did not possess. The labels further represented that the article was antiseptic and germicidal, whereas it was not.

On March 11, 1931, the United States attorney for the District of Oregon, 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 6 dozen packages of Pyros, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Pyros Co., Denver, Colo., on or about August 26, 1930, and had been transported from the State of Colorado into the State of Oregon, 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 sodium chloride, zinc sulphate, alcohol (0.7 per cent), a trace of glycerin, and water. Bacteriological examination showed that the article was neither antiseptic nor germicidal.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (carton) "Antiseptic," and (circular) "Pyros is an ideal antiseptic."

Misbranding was alleged for the reason that the following statements appearing on the carton and in the circular, were false and misleading: (Carton) "A Penetrative Antiseptic;" (circular) "The Penetrative Antiseptic * * * Pyros is an ideal antiseptic mouth wash, for it has a definite, selective action on disease germs in the mouth. * * * The definite and selective germicidal action of Pyros stops the bacterial acid detrition in the first stages of tooth decay. * * * Pyros is a combination of simple ingredients resulting in a product of definite value as an * * * antiseptic * * * Its penetrating and bactericidal action is then more pronounced * * * you can 'feel' its positive and penetrating antiseptic properties." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "An Aid in treatment of infectious mouth conditions, * * * and attendant tooth decay. Sore, tender, ulcerated gums, and general oral infections;" (carton) "Successful aid in the care of tender, bleeding, spongy or receding gums * * * for preventing decay of the teeth keeping the gums firm and healthy * * * Give solution time to penetrate gums and affected parts. * * * A successful aid in the care of tender or ulcerated gums and teeth and all mouth infections generally;" (circular) "Good Health Depends on Mouth Health. The mouth is the one main entrance whereby disease germs gain entrance to the body. In the mouth disease germs multiply, infect the nasal passages or throat and, sooner or later, the entire system. Nature, (the perfect physician) installed in the mouth the simple machinery necessary for the warding off of disease, viz; clean saliva, abundant blood supply and properly adjusted teeth. Therefore, it can be readily seen that a remedy which causes the mouth to properly function is the one that assists nature in warding off disease. The present day customs, diet and mental habits do not permit the mouth to function perfectly as in the days of savagery when the mouth received exercise from the eating of hard, course food, and tooth decay and gum disease were unknown. Pyros Makes Healthy Mouths. * * * Pyros Penetrates. Pyros has a peculiar penetrating action, so that it even attacks deep, underlying, inflamed conditions. Pyros makes clean, healthy saliva, nature's mouth wash. * * * In diseased conditions of the mouth Pyros should be used as near full strength as possible. For Pyorrhoea—Take one teaspoonful in mouth and let it penetrate the affected parts * * * If the upper teeth or gums are affected, hold head downward or sideways. * * * For Trench Mouth (Vincent's Angina) or other acute inflammations of the mouth where pain is present * * * For Ulcerative Gums. * * *