

the Secretary of Agriculture reported the matter to the United States attorney for the district of Porto Rico.

On April 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 three dozen bottles of Clotol con Creosota y Guaiacol at San Juan, P. R., alleging that the article had been shipped on or about January 6, 1931, by the Wm. S. Merrell Co., Cincinnati, Ohio, to San Juan, P. R., and that it was being offered for sale and sold in Porto Rico, by Manuel Barreto, San Juan, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of creosote, extracts of plant drug including wild cherry, hypophosphites, maltose, alcohol, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in Spanish in the labeling, of which the following is a translation, regarding the curative or 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: (Carton and bottle) "Clotol * * * Wine of Cod Liver Oil with Creosote and Guaiacol * * * is indicated during the first stages of pulmonary tuberculosis, in chronic muscular rheumatism, scrofulous lesions of the skin, dilated lymphatic glands, tertiary syphilis, bronchitis, marasmus and anaemia;" (circular) "Clotol With Creosote and Guaiacol * * * for different pulmonary affections where there exists fetid expectoration, diminishing the temperature and at the same time alleviating the cough. * * * for the treatment of all affections of the respiratory tract, pulmonary tuberculosis, subacute and chronic bronchitis, chronic laryngitis, obstinate cough with fetid and viscous expectoration and general debility due to faulty nutrition. Clotol with Creosote and Guaiacol has given satisfactory results in the treatment of intestinal tuberculosis and chronic gastritis with fermentation. In addition to being a specific for the above-mentioned diseases, Cloto, with Creosote and Guaiacol, is generally a powerful stimulant and an extraordinary nutritive agent."

On May 5, 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.*

18533. Adulteration and misbranding of tincture of valerian. U. S. v. 50 Gallons of Tincture of Valerian U. S. P. Default decree of destruction entered. (F. & D. No. 26160. I. S. No. 27481. S. No. 4462.)

The product herein described was invoiced as tincture of valerian U. S. P. and failed to conform to the requirements of the United States Pharmacopoeia, since it contained little, if any, extractive material derived from valerian. The container bore no statement on the label of the quantity or proportion of alcohol contained in the article.

On April 2, 1931, the United States attorney for the western district of Missouri, 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 50 gallons of a product, invoiced as tincture of valerian U. S. P., at Kansas City, Mo., alleging that the article had been shipped by Jordan Bros. Co., from Brooklyn, N. Y., on or about August 21, 1930, and had been transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained little or no extractive material derived from valerian, but did contain resinous material, alcohol (67.5 per cent by volume), and water.

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 tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article, and 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.

On June 5, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*