

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle and carton labels, 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: "Pulbromol * * * Expectorant. Recommended in acute and chronic cases of broncho-pulmonary affections, violent and spasmodic coughs, whooping cough, and for affections of the respiratory tract."

On May 8, 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.*

18536. Adulteration and misbranding of solution of ergot. U. S. v. 1 Carton Containing 6 Ampoules of Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26232. I. S. No. 27353. S. No. 4552.)

Analysis of samples of ergot from the shipment herein described having shown that the product was practically inert in regard to ergot potency, the Secretary of Agriculture reported the matter to the United States attorney for the southern district of Ohio.

On April 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 one carton containing 6 ampoules of solution of ergot at Cincinnati, Ohio, alleging that the article had been shipped by the Abbott Laboratories from North Chicago, Ill., on or about January 21, 1931, and had been transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ampoules Ergot."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength and quality as determined by the test laid down in the said pharmacopœia official at the time of the investigation, since it was practically inert as regards ergot potency. Adulteration was alleged for the further reason that the strength of the article fell below the professed standard and quality under which it was sold, namely: (Carton) "1 c. c. * * * Ampoules Ergot For Hypodermic Administration * * * Physiologically Standardized Dose—One-half to two ampoules, hypodermically; repeated in one hour if needed."

Misbranding was alleged for the reason that the statements to wit, "1 c. c. Ampoules Ergot For Hypodermic Administration * * * Physiologically Standardized Dose—One-half to two ampoules, hypodermically; repeated in one hour if needed," appearing on the carton, and the statement "Ergot Solution," on the individual ampoule carton and on the individual ampoule label, were false and misleading.

On May 25, 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.*

18537. Misbranding of 555 Jarabe. U. S. v. 27 Bottles of 555 Jarabe. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26108. I. S. No. 5767. S. No. 4407.)

Examination of a drug product, known as 555 Jarabe, having shown that the circular contained statements representing that the said article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the district of Porto Rico, that a quantity of the product was being sold and offered for sale at San Juan, P. R.

On or about April 13, 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 27 bottles of the said 555 Jarabe at San Juan, P. R., alleging that the article was in possession of the Sociedad Cooperativa Farmaceutica de Puerto Rico, San Juan, P. R., and was being sold and offered for sale in Porto Rico, 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 creosote, a calcium compound, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements 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: (Circular, translation from Spanish) "We recommend the use of '555' several days after the cough has ceased in order to insure a permanent cure. * * * for older or more serious affections we recommend the large-sized bottle * * * For cough in an advanced stage, such as chronic bronchitis and for the dry cough that remains after an attack of grippe or influenza * * * Calcium and Creosote act as reconstituents for weak persons and for persons susceptible to affections of the respiratory tract and tuberculosis. * * * Syrup '555' is an ideal * * * antiseptic and reconstituent for pulmonary affections."

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.*

18538. Adulteration and misbranding of ether. U. S. v. One hundred and thirteen 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product ordered destroyed or released to Federal agency. (F. & D. No. 26178. I. S. No. 28271. S. No. 4490.)

Tests of ether from the shipment herein described having shown that certain samples fell below the requirements of the United States Pharmacopoeia in that they contained greater proportions of acid and of nonvolatile material than are permitted by the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the western district of Pennsylvania.

On April 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 one hundred and thirteen 1-pound cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about March 17, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether * * * 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, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

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

On May 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, or released, upon request, to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18539. Misbranding of Cow-Calf compound. U. S. v. 29 Bottles of Cow-Calf Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26201. I. S. No. 24476. S. No. 4510.)

Examination of a drug product, known as Cow-Calf compound, having shown that certain statements appearing on the bottle label and in the circular, and testimonials accompanying the article, represented that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the southern district of Illinois the shipment herein described, involving a quantity of the product located at Armington, Ill.

On April 10, 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 29 bottles of Cow-Calf compound at Armington, Ill., alleging that the article had been shipped by Dr. Warren A. Bozarth (formerly Froberg Remedy Co.), from Valparaiso, Ind., on or about March 24, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.