

19073. Adulteration and misbranding of fluidextract of ergot. U. S. v. 9½ Gallons of Fluidextract of Ergot. Default decree of destruction. (F. & D. No. 26917. I. S. No. 25585. S. No. 5112.)

Examination of the fluidextract of ergot from the shipment herein described having shown that the article was represented to be a pharmacopoeial product, whereas its potency was less than one-half that required by the pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On or about August 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 9½ gallons of fluidextract of ergot at Kansas City, Mo., alleging that the article had been shipped by C. E. Jamieson & Co., from Detroit, Mich., on or about April 10, 1931, and had been transported from the State of Michigan into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act.

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 statements on the label, "Fluid Extract * * * Ergot U. S. P. X. Claviceps Purpurea (Fries) Tulasne Physiologically tested," were false and misleading.

On December 14, 1931, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19074. Misbranding of Can-U-Til-Lo herb. U. S. v. 2½ Dozen Packages of Can-U-Til-Lo Herb. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27030. I. S. No. 37911. S. No. 5200.)

Examination of samples of a drug product, known as Can-U-Til-Lo herb, from the shipment herein described having shown that the carton labels and an accompanying circular contained 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 Eastern District of Pennsylvania.

On October 2, 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 2½ dozen packages of the said Can-U-Til-Lo herb, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Can-U-Til-Lo Co., from Camden, N. J., on or about September 10, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, 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 of coarsely cut *Ephedra antisyphilitica*.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, 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) "For obstinate cases drink an increased quantity of the Tea daily. * * * itself being a natural stimulant and invigorator. * * * Rheumatism results usually from weakened or diseased kidneys, the natural functions being impaired. * * * strengthens and stimulates the kidneys to normal activity. Uric acid and other impurities are thus eliminated from the blood. * * * properly used has relieved many cases of Rheumatism and Dropsy by correcting Kidney and Urinary ailments. * * * (circular) "Remedy for Rheumatism and Kindred Diseases Resulting from Weak and Diseased Kidneys such as Dropsy and all Blood Disorders * * * How Long Have You Had Rheumatism Are you the one who says, 'Oh, I've tried everything?' If you are, it is reasonable to conclude that you've had Rheumatism for years—perhaps. These long months or years of suffering have forced you to the conclusion that Rheumatism is incurable. Well you are not the only one to reach such a conclusion. Your first inquiry should