1931, and had been transported from the State of Pennsylvania into the State of New York, 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 extracts of plant drugs including ipecac, chloroform, alcohol, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle label and carton were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lung Healer * * * For the Treatment of Coughs, Spasmodic Croup, Hoarseness, Bronchitis, Whooping Cough and Bronchial Asthma;" (carton) "Lung Healer * * * for the treatment of Coughs, * * * Bronchitis, Bronchial Asthma, Whooping Cough and Spasmodic Croup. * * * this famous remedy is to relieve the specified ailments—lung trouble."

On November 6, 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.*

19504. Alleged adulteration and misbranding of fluidextract ergot. U. S. v. Eighty-four 4-Ounce Bottles of Fluidextract Ergot. Libel ordered dismissed and product restored to claimant. (F. & D. No. 26197. I. S. No. 25857. S. No. 4526.)

A sample of fluidextract of ergot from the shipment herein described was found to have a potency of approximately one-half that required by the United States Pharmacopoeia for the drug. Examinations of other samples made after the filing of the libel, appearance of claimant, and the entry of consent decree showed that the article met the pharmacopoeial requirements.

On or about April 10, 1931, 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 eighty-four 4-ounce bottles of the said fluidextract ergot at Chicago, Ill., alleging that the article had been shipped by Eli Lilly & Co., from Indianapolis, Ind., January 6, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

The libel charged that the article was adulterated in that it was sold under the name of "Ergot," a name recognized in the United States Pharmacopoeia, and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the container.

It was further charged in the libel that the article was misbranded in that the statements on the label, "Fluid Extract * * * Ergot U.S.P. * * * Physiologically Standardized—1 cc. represents 1 Gm. of drug," were false and misleading.

On May 7, 1931, for the purpose of joint assay of the ergot by the Food and Drug Administration and the claimant, Eli Lilly & Co., Indianapolis, Ind., appeared as claimant and consented to the entry of an interlocutory decree of condemnation and forfeiture. The ergot was jointly assayed by Eli Lilly & Co. and the Food and Drug Administration, and found to be in compliance with the act.

On February 29, 1932, a final decree was entered finding the ergot to be in compliance with the food and drugs act, and the bond was canceled and the cause dismissed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19505. Adulteration and misbranding of fluidextract of ginger. U. S. v. Elk Manufacturing Co. Plea of guilty. Fine, $50. (F. & D. No. 26576. I. S. No. 030572.)

This case was based on the interstate shipment of a quantity of fluidextract of ginger which was represented to conform to the requirements of the United States Pharmacopoeia. Samples examined were found to contain rosin and phenolic compounds, which are not normal constituents of fluidextract of ginger, and also were found to contain less alcohol than declared on the label.

On August 27, 1931, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information

against the Elk Manufacturing Co., a corporation, Jellico, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about February 3, 1930, from the State of Tennessee into the State of Georgia, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: (Bottle) "Fluid Extract Ginger U. S. P. Alcohol 83 percent By Volume * * * Distributed by Elk Mfg. Co. Jellico, Tenn."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it contained rosin and phenolic compounds which are not mentioned in the pharmacopoeia as constituents of fluidextract of ginger, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to conform to the United States Pharmacopoeia and to contain 83 per cent by volume of alcohol, whereas it did not conform to the test laid down in the pharmacopoeia, and contained less than 83 per cent of alcohol by volume, namely, 76.55 per cent of alcohol by volume.

Misbranding was alleged for the reason that the statements, "Fluid Extract Ginger U. S. P." and "Alcohol 83 percent By Volume," appearing on the label, were false and misleading, since the article was not fluidextract of ginger which conformed to the standard prescribed by the pharmacopoeia, and contained less than 83 per cent of alcohol. Misbranding was alleged for the further reason that the label of the article failed to bear a statement of the quantity and proportion of alcohol contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was composed in part of rosin and phenolic compounds prepared in imitation of fluidextract of ginger U. S. P., and was offered for sale and sold under the name of another article, namely, fluidextract of ginger, U. S. P.

On February 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19506. Misbranding of Stillman's douche powder. U. S. v. One hundred and twenty 6-Ounce Packages, et al., of Stillman's Douche Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27238. I. S. Nos. 37010, 37011, 37012. S. No. 5397.)

Examination of a drug product, known as Stillman's douche powder, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in a circular shipped with the article.

On December 11, 1931, the United States attorney for the Northern District of Texas, 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 one hundred and twenty 6-ounce packages and fifty-eight 12-ounce packages of the said Stillman's douche powder at Dallas, Tex., alleging that the article had been shipped by the Stillman Co., from Aurora, Ill., on or about May 12, 1931, and had been transported from the State of Illinois into the State of Texas, 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 boric acid, zinc sulphate, and a small proportion of zinc phenolsulphonate. Bacteriological examination showed that the article was not antiseptic in the dilutions recommended for its use.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "It is especially prepared * * * for the treatment of Leucorrhea, Vaginitis, Pruritus, Vaginal and all Muco purulent discharges from the female genital canal; and is a great aid in preventing infection. * * * For the treatment of the above mentioned discharges use one tablespoonful of Stillman's Douche Powder to each quart of warm water, stirring if necessary. If the discharge is effusive it is often advisable to douche three times a day."