

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 test laid down in the 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, "Ether, U. S. P.", borne on the label, was false and misleading.

On May 9, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20913. Adulteration and misbranding of tincture iodine. U. S. v. Witsell Bros. Manufacturing Co. Plea of guilty. Fine, \$50. (F. & D. no. 29358. I. S. no. 52667.)

This case was based on the interstate shipment of a quantity of tincture of iodine that contained iodine and potassium iodide in excess of the maximum provided by the United States Pharmacopoeia. The label failed to declare the quantity or proportion of alcohol contained in the article.

On May 15, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Witsell Bros. Manufacturing Co., a corporation, Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 28, 1932, from the State of Tennessee into the State of Arkansas, of a quantity of tincture iodine that was adulterated and misbranded. The article was labeled in part: "Tincture Iodine * * * Witsell Bros. Mfg. Co. Memphis 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 pharmacopoeia official at the time of investigation of the article, since it contained more iodine and more potassium iodide per 100 cubic centimeters than is prescribed by the pharmacopoeia; and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the article contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On May 19, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a penalty of \$50 in lieu of fine and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20914. Adulteration and misbranding of ethyl borate. U. S. v. 107 Bottles of Ethyl Borate. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29587. Sample no. 22429-A.)

This case involved a product represented to be ethyl borate. Examination showed that the article was not ethyl borate; that it was not an antiseptic, as claimed; that it contained less alcohol than declared; and that the labels bore unwarranted curative and therapeutic claims.

On December 3, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 107 bottles of ethyl borate at Baltimore, Md., alleging that the article had been shipped in interstate commerce into the State of Maryland, on or about October 7, 1932, by the Emme Dental Specialty Co., from St. Paul, Minn., 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 boric acid (alcohol 1 percent by volume), and water flavored with oil of peppermint. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Antiseptic, * * * Ethyl Borate."

Misbranding was alleged for the reason that the following statements on the labels were false and misleading: (Carton) "Ethyl Borate, Not over 7% Alcohol, a mild but powerful antiseptic"; (bottle) "Ethyl Borate, Not over 7% Alcohol, Ethyl Borate, being a * * * antiseptic mouth wash. As

this is a mild but powerful antiseptic." Misbranding was alleged for the further reason that the article was offered for sale under the name of another article, namely, "Ethyl Borate", 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, since the statement made was incorrect. 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) "For the Treatment of Pyorrhea and Pus Diseases * * * exceedingly effective in the treatment of Trench-Mouth, Pyorrhea, Canker Sores and all other Mouth and Gum Diseases. * * * Pyorrhea or Purulent Alveolitis. * * * Bleeding Gums. * * * Spongy Gums. * * * After Extraction. * * * It will keep the gums firm, * * * and keep the tissues of the mouth and throat in a healthy condition. Sore Throat or Tonsillitis. * * * Cuts or Wounds"; (bottle) "For the treatment of Pyorrhea and Pus Diseases * * * highly recommended for daily use in pyorrhea and pus cases. * * * Pyorrhea or Virulent Alveolitis. * * * Bleeding Gums. * * * Spongy Gums. * * * It will keep the gums firm, * * * and keep the tissues of the mouth and throat in a healthy condition. Sore throat or Tonsillitis. * * * Cuts or Wounds."

On March 16, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20915. Misbranding of Blake's herb tablets. U. S. v. 36 Small Packages, et al., of Blake's Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30025. Sample nos. 31826-A, 31827-A, 31828-A.)

Examination of the drug preparation Blake's herb tablets disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 30, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 36 small, 36 medium, and 12 large packages of Blake's herb tablets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 24, 1933, by the International Drug Co., from Boston, Mass., 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 the tablets contained extracts of plant drugs including aloe and capsicum, and a mint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Label, small size) "Nature's Herb Cure Tablets * * * Kidney and Liver Regulator * * * For * * * Indigestion Liver Complaint, Muscular Rheumatism, * * * Loss of Appetite, Pimples, Tetter, * * * and the many distressing symptoms arising from attacks of Malaria and Kidney Disorders. A Blood Purifier. * * * to start the bile from the Liver and remove it from the system"; (label, medium and large sizes) "Nature's Herb Cure Tablets * * * Kidney and Liver Stimulator * * * Recommended for * * * Indigestion, Muscular Rheumatism, * * * Liver Complaints, Irregularities of the Bowels, Loss of Appetite, Pimples and Tetter, * * * Diseases arising from Torpidity of the Liver, * * * and the many distressing symptoms arising from attacks of Malaria. * * * to start the bile from the Liver and to remove it from the system."

On May 16, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20916. Adulteration and misbranding of milk of magnesia. U. S. v. 30 Cases of Milk of Magnesia. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29982. Sample no. 28775-A.)

This action involved a quantity of milk of magnesia, represented to be of pharmacopoeial standard, that contained a smaller proportion of magnesium hydroxide than prescribed in the United States Pharmacopoeia.