

25142. Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether. Default decree of condemnation and destruction. (F. & D. no. 36249. Sample no. 39788-B.)

This case involved a shipment of ether samples of which were found to contain peroxide, a decomposition product.

On September 3, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cans of ether at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 21, 1935, by Merck & Co., Inc., from Rahway, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia * * * U. S. P."

The article was alleged to be 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 said pharmacopoeia since it contained peroxide; and its own standard was not stated upon the label. Misbranding was alleged for the reason that the statement on the label, "Ether * * * U. S. P.", was false and misleading, since it was not of the United States Pharmacopoeial quality.

On November 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25143. Misbranding of paregoric, Chlorinometer Gas, Universal Pain Expeller, Universal Brand Liniment, and Laxative Cold and Grippe Breakers. U. S. v. 25 Bottles of Paregoric, et al. Default decree of condemnation and destruction. (F. & D. nos. 36359 to 36363, incl. Sample nos. 32611-B, 32616-B, 32617-B, 32619-B, 32620-B, 32621-B.)

These drugs consisted of two lots of paregoric which were short in volume; and one lot each of Chlorinometer Gas, Universal Pain Expeller, Universal Brand Liniment, and Laxative Cold and Grippe Breakers, which were labeled with unwarranted curative and therapeutic claims.

On September 20, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain drugs and drug preparations at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about August 9, 1935, by the Chicago Drug Sales Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Chlorinometer Gas consisted of chlorine dissolved in carbon tetrachloride, that the Universal Pain Expeller consisted essentially of ammonia, a pungent principle such as capsicum, a small proportion of a volatile oil, and water; that the Universal Brand Liniment consisted essentially of an ammonium soap, volatile oils including camphor, alcohol, and water colored green; and the Laxative Cold and Grippe Breakers consisted of tablets containing acetanilid and resinous material. The contents of the 2-ounce bottles of paregoric examined ranged from 1.89 fluid ounces to 1.75 fluid ounces and the contents of the 1-ounce bottles of paregoric ranged from 0.61 fluid ounce to 0.41 fluid ounce.

The paregoric was alleged to be misbranded in that the statements appearing on the labels, "2 Fld. Ozs." or "1 Fld. Oz.", were false and misleading since the quantity of the contents was less than represented. Misbranding was alleged with respect to the remaining products for the reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the articles and were false and fraudulent: (Chlorinometer Gas, display carton) "For the treatment of whooping cough, influenza, laryngitis, coryza, and other respiratory diseases"; (Universal Pain Expeller, carton) "Universal * * * Pain Expeller * * * A Wonderful Remedy For Rheumatism Neuralgia-Colds Pains—Backache Stiffness and Sprains Gout and Cramps"; (bottle label) "Pain Expeller * * * A valuable and reliable remedy for Rheumatism Sprains, Stiff Joints, Lame Back, Cramps, Neuralgia, Etc. Relieves Pain Rub the Painful spots well with the Red Cross Pain Expeller and cover them with cotton or flannel. Internally, strongly diluted. Adults may take 3 to 5 drops * * *"; (Universal Brand Liniment, bottle) "For Relief of Rheumatism, Pain, Neuralgia, Sciatica, Inflammation, Sprains, * * * Lameness, Backache, Cramps, Stiffness of Muscles and

Joints and Other External Pains Directions * * * freely into * * * parts"; (Laxative Cold and Grippe Breakers, carton) "Grippe Breakers * * * Adult Dose.—Two tablets every hour for three hours, then two tablets every four hours, and one or two at bedtime. Drink plenty of water. A cup of hot ginger tea at bedtime will be found beneficial. One half the above dose for children from 9 to 16 years."; (circular) "Dose—Adults. To relieve a cold or an attack of La Grippe, take two tablets every hour for three or four hours. Then take two tablets every four hours, and one or two tablets on retiring. Continue to take two or three tablets at night for several days, in order to completely rid the system of the cold. In severe cases, it is well to take a hot foot bath and drink a glass of hot lemonade or ginger tea upon retiring. Cover up well so as to get up a good sweat. Dose—Children. From 7 to 12 years old, one tablet every four hours. They are not well adapted for children under 7 years of age."

On November 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25144. Misbranding of Oil de Vita and Vita-Pine Bathol. U. S. v. 29 Small Bottles and 16 Large Bottles of Oil de Vita and 37 Bottles of Vita-Pine Bathol. Default decrees of condemnation and destruction. (F. & D. nos. 36425, 36426. Sample nos. 49543-B, 49544-B.)

These drug preparations were misbranded because of unwarranted curative and therapeutic claims and other misrepresentations in the labeling.

On September 24, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 45 large and small bottles of Oil de Vita and 37 bottles of Vita-Pine Bathol at Washington, N. J., alleging that the articles had been shipped in interstate commerce on or about August 22, 1935, by the Vita Laboratories from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the Oil de Vita showed that it consisted essentially of peppermint oil. Bacteriological examination showed that it would not destroy common pus-producing bacilli within 1½ hours. Analysis of the Vita-Pine Bathol showed that it consisted essentially of soap and water perfumed with pine-needle oil and colored, and that it contained not more than one-third of 1 percent, if any, of olive oil.

Misbranding of the Oil de Vita was alleged for the reason that the following statement appearing on the retail carton was false and misleading, since it would not destroy cold or catarrhal pus bacilli: "Properties: Destroys cold and catarrhal pus bacilli when taken internally." Misbranding of the Vita-Pine Bathol was alleged for the reason that the following statements on the bottle label were false and misleading when applied to a product containing no more than one-third to one per cent, if any, olive oil: "Bathol is a product composed of genuine Olive Oil and Pine Needle Extracts. The olive oil contained in Bathol is excellent for the skin." Misbranding was alleged with respect to both products for the further reason that the following statements on the labels were statements regarding the curative or therapeutic effects of the articles and were false and fraudulent: (Oil de Vita, retail carton) "Properties: Destroys cold and catarrhal pus bacilli when taken internally—10 to 20 drops, in a tablespoonful of water, twice daily. External rubbing on affected parts, relieves and conquers rheumatic conditions. * * * Oil de Vita * * * Always Relieving"; (bottle) "Oil de Vita * * * Never Fails"; (Vita-Pine Bathol, bottle) "Vita * * * Bathol should be used at all times * * * especially for nervous, weak and rundown conditions."

On November 20, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25145. Misbranding of Pep Stock Medicine. U. S. v. 105 Packages of Pep Stock Medicine. Default decree of condemnation and destruction. (F. & D. no. 36437. Sample no. 48453-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On October 1, 1935, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in