

On April 7, 1936, no claimant having appeared, a default decree of condemnation and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26172. Misbranding of "Isopropyl Alcohol 70 Proof." U. S. v. 309 Bottles of "Isopropyl Alcohol 70 Proof." Default decree of condemnation and destruction. (F. & D. no. 37238. Sample no. 52195-B.)**

This case involved an interstate shipment of an article described on the label as "Isopropyl Alcohol 70 Proof Hy-Grade Rubbing Alcohol Compound", which description conveyed the impression that the article contained ordinary (ethyl) alcohol, when it did not.

On February 25, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 309 bottles of an article, labeled "Isopropyl Alcohol 70 Proof Hy-Grade Rubbing Alcohol Compound", at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by Pennex Products Co., Inc., from Pittsburgh, Pa., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Rubbing Alcohol Compound", was false and misleading in that it created the impression that the article contained ordinary (ethyl) alcohol, and such impression was not corrected by the relatively inconspicuous statement, "The contents herein contained is prepared from Isopropyl Alcohol (CH<sub>3</sub>CHOHCH<sub>3</sub>). This preparation does not contain Ethyl Alcohol. If taken internally will cause violent gastric disturbances." The article was alleged to be misbranded further in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "Isopropyl Alcohol 70 Proof" was meaningless.

On April 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26173. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 573 Bottles of Rubbing Alcohol Compound, and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37264, 37265. Sample nos. 51452-B, 51453-B.)**

This article failed to conform to its professed standard; its label bore erroneous statements concerning its composition, and the quantity or proportion of its alcoholic content was not declared.

On or about February 28, 1936, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 573 and 501 bottles, respectively, of rubbing alcohol compound at Baltimore, Md., alleging, in the libel involving the 573 bottles, that the article had been shipped in interstate commerce on or about January 13, 1936, and in the libel involving the 501 bottles, that the article had been shipped in interstate commerce on or about January 11, 1936, by Bradley's, Inc., and the Bradley Co., respectively, from Philadelphia, Pa., to Baltimore, Md., and charging, in each libel, adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Shipment made on or about January 13, 1936, bottle) "Rubbing Alcohol Compound \* \* \* Bradley Laboratory Philadelphia"; (shipment made on or about January 11, 1936, bottle) "Rubbing Alcohol Compound \* \* \* Bradley Laboratory Philadelphia."

Analysis showed that the article shipped on or about January 13, 1936, consisted essentially of isopropyl alcohol (21.7 percent), acetone (9.5 percent), and water, perfumed; and that the one shipped on or about January 11, 1936, consisted essentially of a mixture of isopropyl alcohol (26.9 percent), acetone (13.5 percent), and water, perfumed.

Adulteration of the article in the shipment made on or about January 13, 1936, was charged under the allegation that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol", in that it did not contain ordinary (ethyl) alcohol, and that it consisted of a mixture of isopropyl alcohol, acetone, and water.

Misbranding of the article in the shipment made on or about January 13, 1936, was charged (a) under the allegation that the label bore the statement "Rubbing Alcohol Compound", and that said statement was false and mislead-

ing in that the article did not consist of ordinary (ethyl) alcohol, and that it was a mixture of isopropyl alcohol, acetone, and water; (b) under the allegations that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, and that the expression on the label "Isopropyl Alcohol 70 Proof" was meaningless.

Adulteration of the article in the shipment made on or about January 11, 1936, was charged under the allegation that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol Compound \* \* \* 35% Isopropyl Alcohol", in that the article did not contain ordinary (ethyl) alcohol and did not contain 35 percent isopropyl alcohol but that it consisted of a mixture of 26.9 percent isopropyl alcohol, acetone, and water.

Misbranding of the article in the shipment made on or about January 11, 1936, was charged (a) under the allegation that the article bore the statement "Rubbing Alcohol Compound", and that said statement was false and misleading in that the article did not consist of ordinary (ethyl) alcohol and that it was a mixture of isopropyl alcohol, acetone, and water; and (b) under the allegation that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, and that the article did not contain 35 percent isopropyl alcohol, but that it did contain 26.9 percent of isopropyl alcohol.

On April 3, 1936, no claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered in each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26174. Adulteration and misbranding of Alco-Sponge-Rub Alcohol and Dr. Ward's Rubbing Alcohol. U. S. v. 764 Bottles of Alco-Sponge-Rub Alcohol and Dr. Ward's Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37274. Sample nos. 61020-B, 61021-B.)**

This case involved an interstate shipment of an article a portion of which was labeled "Alco-Sponge-Rub Alcohol", the remainder of which was labeled "Dr. Ward's Rubbing Alcohol", and which did not contain any ordinary (ethyl) alcohol.

On March 3, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 764 bottles of an article at Hartford, Conn., a portion thereof labeled "Alco-Sponge-Rub Alcohol \* \* \* Wilshire Corp., New York", and the remaining portion thereof labeled "Dr. Ward's Rubbing Alcohol \* \* \* Bond Laboratories New York", alleging that it had been shipped in interstate commerce on or about February 1, 1936, by the Rex Merchandise Corporation of America from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Alcohol", since the article did not consist of ordinary (ethyl) alcohol, but consisted of a mixture of isopropyl alcohol, acetone, and water.

The article was alleged to be misbranded in that the statement on the label of a portion of the bottles, "Alco-Sponge-Rub Alcohol", and the statement on the remainder of the bottles, "Dr. Ward's Rubbing Alcohol \* \* \* Customary External Uses of Alcohol", were false and misleading, since the article did not consist of ordinary (ethyl) alcohol, but a mixture of isopropyl alcohol, acetone, and water. The article was alleged to be misbranded further in that the packages failed to bear on their labels a statement of the quantity or proportion of isopropyl alcohol contained therein, since the expression "70 Proof Isopropyl Alcohol" on a portion of the bottles, and the statement "70 Proof Isopropyl" on the remainder of the bottles, were meaningless.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**26175. Adulteration and misbranding of pituitary solution. U. S. v. Fifty-three 1-cc Ampoules of "Pituitary Solution, U. S. P." and Seventy-five 1-cc Ampoules of "Pituitary Solution." Default decrees of condemnation and destruction. (F. & D. nos. 37328, 37569. Sample nos. 34635-B, 59423-B.)**

These cases involved interstate shipments of articles described as "Pituitary Solution U. S. P." and "Pituitary Solution", which had a potency less than the