

26757. Adulteration and misbranding of ether. U. S. v. 30 Cans of Ether. Default decree of condemnation and destruction. (F. & D. no. 37743. Sample no. 66251-B.)

This case involved an interstate shipment of ether that differed from the standard of strength, quality, and purity of ether as determined by the test laid down in the United States Pharmacopoeia, in that it contained peroxide.

On May 18, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cans of an article, labeled "Ether * * * U. S. P.", at Portland, Maine, alleging that it had been shipped in interstate commerce on or about March 21, 1936, by Merck & Co., Inc., from Rahway, N. J., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and it differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, and its own standard was not stated upon the label.

It was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.", was false and misleading.

On May 29, 1936, 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.*

26758. Misbranding of nitroglycerin tablets. U. S. v. 19 Bottles of Nitroglycerin Tablets. Default decree of condemnation and destruction. (F. & D. no. 37810. Sample nos. 72663-B, 72664-B.)

These tablets contained nitroglycerin in amounts greater than those represented on the labels.

On June 11, 1936, 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 a libel praying seizure and condemnation of 19 bottles of nitroglycerin tablets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 21, April 23, and May 12, 1936, from Baltimore, Md., by the Standard Pharmaceutical Corporation, 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 labels of a portion of the bottles, "Tablet Triturates Nitroglycerin 1/150 Grain", and the statement on the labels of the remaining portion of the bottles, "Tablet Triturates Nitroglycerin 1/200 Grain", were false and misleading, since the article in the bottles represented to contain 1/150 grain of nitroglycerin contained in fact more than said amount thereof, namely, 1/80 grain, and the article in the bottles represented to contain 1/200 grain of nitroglycerin contained in fact more than said amount thereof, namely, 1/120 grain.

On July 24, 1936, 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.*

26759. Adulteration and misbranding of ether. U. S. v. 50 Cans, 17 Cans, 30 Cans, and 7 Cases of Ether. (F. & D. nos. 37754, 37769, 37812, 37820. Sample nos. 68684-B, 68687-B, 68760-B, 71390-B, 71392-B, 71420-B.)

This product differed from the standard of strength, quality, and purity for ether as determined by the test laid down in the United States Pharmacopoeia; because it contained peroxide, and its own standard was not stated on the label.

The United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court on May 21, 1936, a libel praying seizure and condemnation of 50 cans of ether at Des Moines, Iowa; the United States attorney for the Western District of Tennessee filed in the district court on May 28, 1936, a libel and on June 15, 1936, an amended libel praying seizure and condemnation of 17 cans of ether at Memphis, Tenn.; the United States attorney for the Western District of Missouri filed in the district court, on June 19, 1936, a libel praying seizure and condemnation of 7 cases of ether at Kansas City, Mo.; and the United States attorney for the Western District of Oklahoma filed in the district court on June 23, 1936, a libel praying seizure and condemnation of 30 cans of ether at Oklahoma City, Okla. The libels alleged that the article had been shipped in interstate commerce by Merck & Co., Inc., the consignment of 50 cans at Des Moines, Iowa, on or about March 31, 1936; the 17 cans at Memphis, Tenn.,