

contendere to the first, third, and fourth counts of the information, and pleas of guilty to the second count; and the court imposed a fine of \$100 and costs on the Sweet Manufacturing Co., Inc., and a fine of \$25 on Dominick Sweet, and placed him on probation for 1 year.

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

26787. Adulteration and misbranding of ether and chloroform. U. S. v. 15 Cans of Ether and 38 Bottles of Chloroform. Consent decrees of condemnation and destruction. (F. & D. nos. 37714, 37726. Sample nos. 62418-B, 62421-B, 69000-B.)

Each of these articles differed from its standard as prescribed in the United States Pharmacopoeia.

The United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed on May 6, 1936, a libel praying seizure and condemnation of 15 cans of ether, and on May 8, 1936, a libel praying seizure and condemnation of 38 bottles of chloroform at New Orleans, La. It was alleged in each of said libels that the article had been shipped in interstate commerce on or about March 20 and 21, 1936, by Merck & Co., Inc., from St. Louis, Mo., that it was adulterated and misbranded in violation of the Food and Drugs Act, and that it "was at the time of shipment, and still is, subject to seizure, condemnation, and confiscation under section 10 of the Food and Drugs Act." The allegation in each of the original libels, was amended on December 4, 1936, to read that the article "is subject to seizure, condemnation, and confiscation under section 10 of the Food and Drugs Act."

Analysis of a sample of the ether showed the presence of peroxide. It 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 for such article as determined by the test laid down in the United States Pharmacopoeia, and its own standard was not stated on the label. Said article was alleged to be misbranded in that the statement on the label, "Ether * * * U. S. P.", was false and misleading.

Analysis of a sample of the chloroform showed that it contained substances decomposable by sulphuric acid. The chloroform 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 purity of such article as determined by the test laid down in said pharmacopoeia. It was alleged to be misbranded in that the statement on the label, "Chloroform * * * U. S. P.", was false and misleading in that it did not conform to specifications of the United States Pharmacopoeia.

On December 4, 1936, Merck & Co., Inc., claimant, having admitted the allegations of the libels as amended and having consented to decrees, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

26788. Misbranding of Lagreen's Famous Healing Oil (Rattlesnake Oil). U. S. v. 189 Bottles of Lagreen's Famous Healing Oil. Default decree of condemnation and destruction. (F. & D. no. 37721. Sample no. 68551-B.)

This product was misbranded because of false and fraudulent curative and therapeutic claims and the false and misleading representation that it consisted of rattlesnake oil.

On May 12, 1936, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 bottles of Lagreen's Famous Healing Oil (Rattlesnake Oil) at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce on or about January 25, 1936, by the Standard Sales Co., from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of kerosene and volatile oils, including mustard oil and sassafras oil.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, borne on the label, were false and fraudulent: "Healing Oil * * * Useful in Rheumatism, Aches, Pains, Soreness, Stiff Joints, Colds, Headaches, Toothache, Croup, Pneumonia and in pain of any description." Misbranding was alleged for the further reason that the designation "Rattlesnake Oil" was false and misleading.

On January 25, 1937, 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.*

26789. Adulteration and misbranding of tincture of iodine. U. S. v. 55 Dozen Bottles of Tincture of Iodine. Default decree of condemnation and destruction. (F. & D. no. 37727. Sample no. 68862-B.)

This product failed to conform to the standard established by the United States Pharmacopoeia in that it was materially deficient in both iodine and potassium iodide.

On June 10, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 dozen bottles of tincture of iodine at Hattiesburg, Miss., alleging that it had been shipped interstate commerce on or about January 2, 1936, by the Geo. H. Nowland C from Cincinnati, Ohio, and charging adulteration and misbranding 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 differed from the standard of strength, quality, or purity as determined by the test laid down in the authority and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement "Tincture of Iodine", borne on the label, was false and misleading since it contained less iodine and potassium iodide than required by the United States Pharmacopoeia.

On September 22, 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.*

26790. Misbranding of Life-Aid. U. S. v. 144 Bottles of Life-Aid. Default decree of condemnation and destruction. (F. & D. no. 37765. Sample no. 55187-B.)

The bottle labels of this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On May 26, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 bottles of Life-Aid at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about April 15, 1936, by the Life-Aid Laboratory from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of sodium, magnesium, and calcium sulphates, sulphuric acid, sugar, and water, with small amounts of salicylic acid, iron phosphate, saccharin, and a red coloring material.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, borne on the bottle label, "Life-Aid * * * When you have Indigestion or Gastritis due to Acidity, * * * Rheumatic Pains * * * Nervousness and Tired, Dull Weak Feelings caused by Faulty Elimination Try Life-Aid", falsely and fraudulently represented that the article was capable of producing the effects claimed.

On December 5, 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.*

26791. Adulteration and misbranding of ether. U. S. v. 230 Cans of Ether. Consent decree of condemnation and destruction. (F. & D. no. 37816. Sample no. 55968-B.)

This product differed from the standard of strength, quality, and purity for ether as determined by the tests laid down in the United States Pharmacopoeia, in that 2 of the 10 cans examined contained peroxide.

On June 17, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 230 cans of ether at Chicago, Ill. The libel alleged that it had been shipped in interstate commerce on or about February 26, 1936, by Merck & Co., Inc., from Rahway, N. J., and that the article, "when and where it was so shipped as aforesaid, was then and there" adulterated and misbranded in violation of the Food and Drugs Act. On November 5, 1936, the libel was amended by striking out the words quoted above.