

16866. Misbranding and alleged adulteration of Coliverol. U. S. v. 20 Drums of Coliverol. Product adjudged misbranded; released under bond. (F. & D. No. 23841. I. S. No. 08425. S. No. 2055.)

On or about June 29, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 drums of Coliverol at Chicago, Ill., alleging that the article had been shipped by the Silmo Chemical Co., from Vineland, N. J., June 1, 1929, and transported from the State of New Jersey into the State of Illinois, 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 oil (38 per cent) and ground limestone containing some calcium hydroxide. The oil did not conform to the specifications of the U. S. Pharmacopœia for cod-liver oil, in that it contained excessive free fatty acids and materially higher saponification and iodine numbers. Examination for vitamins showed that the article was virtually devoid of vitamin A potency and that the vitamin D potency was approximately one-fifth that of a good grade of cod-liver oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following professed standard of strength, quality, and purity, (label) "A dried emulsion of cod liver oil," whereas the strength, quality, and purity of the article fell below such standard.

Misbranding was alleged for the reason that the statements, "Coliverol" and "Dried emulsion of cod liver oil," borne on the labels, were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the therapeutic effects of the said article, borne on the labels, "Coliverol increases egg laying" and "Coliverol is a wonderful builder," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 4, 1929, the Silmo Chemical Co. (Inc.), Vineland, N. J., claimant, having admitted the allegations of the libel and having consented to a judgment of condemnation, a decree was entered finding the product misbranded and ordering that it be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that the labels, "Dried emulsion of cod liver oil," "Coliverol increases egg laying," and "Coliverol is a wonderful builder," be removed from the said drums and that the article should not be sold nor disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16867. Adulteration and misbranding of ether. U. S. v. 213 ¼-lb. Cans, et al., of Ether. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23872, 23919. I. S. Nos. 08525, 08576. S. Nos. 2160, 2061.)

On July 3, 1929 and August 9, 1929, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of one hundred and fifteen 1-pound cans, one hundred and forty ½-pound cans, and two hundred and thirteen ¼-pound cans of ether, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Solvents & Chemical Corporation from Albany, N. Y., in various consignments, on or about January 21, March 28, and July 18, 1929, respectively, and transported from the State of New York into the State of Massachusetts, and charging adulteration in regard to a portion of the article, and adulteration and misbranding in regard to the remainder thereof, in violation of the food and drugs act. The article was labeled in part: "Anesthesia Ether."

Analysis of a sample of the article by this department showed that the ether contained peroxide.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of purity as determined by the test laid down in said pharmacopœia, in that it contained peroxide.

Misbranding was alleged with respect to a portion of the article for the reason that the statement "Ether," borne on the packages containing the said article, was false and misleading in that the said statement represented the article to be ether as defined in the United States Pharmacopœia, whereas it was not ether as defined in said pharmacopœia, since it contained peroxide.

On September 30, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16868. Adulteration and misbranding of Knewitz's Stopake powders. U. S. v. 12 Dozen Packages of Knewitz's Stopake Powders. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23401. I. S. No. 01550. S. No. 1534.)

On February 15, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen packages of Knewitz's Stopake powders, remaining in the original packages at St. Louis, Mo., in possession of the Narco Drug Co., alleging that the article had been transported in interstate commerce by G. Knewitz, from East St. Louis, Ill., on or about January 3, 1929, by a salesman of the Narco Drug Co., to St. Louis, Mo., 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 acetanilid (3.01 grains per capsule), and aspirin (6.06 grains).

It was alleged in the libel that the article was adulterated in that its strength, quality, or purity fell below the professed standard under which it was sold, namely, that each powder contained "Acetanilid 3½ grains per dose."

Misbranding was alleged for the reason that the statement on the package, "Contains acetanilid 3½ grains per dose," was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (carton and display carton) "Neuralgia, Toothache, Rheumatism, Backache, * * * Grippe, Earache, Sore Joints, Ache, Pain and Soreness," (circular) "Grippe, Earache, Rheumatism, Sore Joints, Neuralgia, Sore Throat, Toothache, Backache, Womens Pains, Neuralgia, Toothache * * * Rheumatism, Sciatica, Sore Joints * * * Grippe, Influenza Burn * * * Boils, Carbuncles, and Felons * * * Earache," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 18, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16869. Misbranding of Pronto. U. S. v. 24 Dozen Packages of Pronto. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23469. I. S. No. 05581. S. No. 1631.)

On February 27, 1929, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court for said district a libel praying seizure and condemnation of 24 dozen packages of Pronto, remaining in the original and unbroken packages at Tampa, Fla., alleging that the article had been shipped by the National Drug Products (Inc.), from Albany, Ga., on or about January 21, 1929, and transported from the State of Georgia into the State of Florida, 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 it consisted essentially of ammonium salicylate, glycerin, small amounts of potassium, antimony, and free ammonia, traces of magnesium, chlorides, and sulphates, and an extract of a laxative plant drug.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, "Through this remedy your greatest health-enemies (* * * grippe, and flu germs) have been inactivated," were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle) "Grippe * * * Coughs * * * Sore Throat," (carton) "Grippe * * * Coughs * * * Sore Throat * * * Chronic Constipation * * * valuable aid in * * * Bronchitis, Sore Throat and Hoarseness, * * * anyone with a sensitive throat, will find this preparation * * * help in keeping the throat in the pink of condition," (circular) "Grippe. This disease is so akin to Flu that we recommend the same treatment; that is, two tea-