

psoriasis, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On October 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**91. Adulteration and misbranding of ether. U. S. v. 350 Cans of Ether. Default decree of condemnation and destruction. (F. D. C. No. 266. Sample No. 54567-D.)**

This drug had been shipped in interstate commerce and was in interstate commerce when examined; and at that time 12 of the 20 cans examined were found to contain peroxide, aldehydes, and ketones.

On July 7, 1939, the United States attorney for the Eastern District of Michigan filed a libel against 350 cans of ether at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about September 5, 1936, by Mallinckrodt Chemical Works from St. Louis, Mo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under a name recognized in an official compendium, the United States Pharmacopoeia, and its strength differed from or its quality fell below the standard set forth in such compendium in that it contained peroxide, aldehydes, and ketones.

It was alleged to be misbranded in that the representation on the label that it conformed to all requirements of the Eleventh Edition of the United States Pharmacopoeia was false and misleading.

On August 9, 1939, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

**92. Adulteration and misbranding of Messina Effervescente Granulare. U. S. v. 23 Cases of Messina Effervescente Granulare. Default decree of condemnation and destruction. (F. D. C. No. 828. Sample No. 51950-D.)**

It was represented in the labeling of this product that it had been "prepared with sugar, sodium bicarbonate, tartaric acid, citric acid, and oil of lemon." It contained, however, borax in addition to said substances.

On October 27, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 23 cases of Messina Effervescente Granulare at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 28 and August 21, 1939, by the Drew Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated under the provisions of the law applicable to drugs in that its strength differed from or its purity or quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representations in the labeling that it had been prepared with sugar, sodium bicarbonate, tartaric acid, citric acid, and oil of lemon, were false and misleading as applied to an article that contained borax.

It also was alleged to be adulterated under the provisions of the law applicable to foods, reported in F. N. J. No. 153.

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**93. Misbranding of Ma-El-Ra-Tone Herb Compound. U. S. v. 8 Cases of Ma-El-Ra-Tone Herb Compound. Default decree of condemnation and destruction. (F. D. C. No. 1053. Sample Nos. 73043-D, 73044-D.)**

This product was labeled to indicate that it consisted entirely of herbs and other vegetable substances; whereas it contained a material proportion of magnesium sulfate (Epsom salt), a mineral substance. Moreover, its containers were deceptive since their contents occupied only approximately one-third of the volume of the package.

On November 22, 1939, the United States attorney for the Northern District of California filed a libel against eight cases of Ma-El-Ra-Tone at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 26, 27, and 31, 1939, by the General Products Laboratories from Columbus, Ohio; and charging that it was misbranded.

It was alleged to be misbranded in that its labeling bore representations that it consisted of herbs, was an herb compound, that it was a preparation of herbs, roots, barks, leaves, and blossoms—products of the vegetable kingdom—gathered in various parts of this country as well as foreign countries, gathered at the proper time of the year, properly aged, skillfully treated, and combined, which representations were false and misleading since the article contained