

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

a material proportion of magnesium sulfate. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**94. Adulteration and misbranding of quinine sulfate. U. S. v. 324 Bottles of Quinine Sulfate. Default decree of condemnation and destruction. (F. D. C. No. 545. Sample No. 65806-D.)**

The strength, quality, and purity of this product differed from that which it purported to possess. Furthermore, its containers were deceptive, since their contents occupied less than one-half the capacity of the bottle.

On September 6, 1939, the United States attorney for the Southern District of Georgia filed a libel against 324 bottles of quinine sulfate at Waycross, Ga., alleging that the article had been shipped in interstate commerce on or about July 13, 1939, by Davis Manufacturing Co., Inc., from Knoxville, Tenn.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the article purported to be and was represented as a drug, the name of which is recognized in the official United States Pharmacopoeia, namely, quinine sulfate, with 10 percent more water than that set forth in the standard for said drug, and in that its strength differed from and its quality and purity fell below that which it purported or was represented to possess.

Misbranding was alleged in that the statement on the label, "Quinine Sulfate U. S. P. X Contains 10% more water than U. S. P. XI," was false and misleading, since the article did not conform to the U. S. P. X requirement for quinine sulfate, and did not contain 10 percent more water than the U. S. P. XI quinine sulfate. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

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

**DRUG SEIZED BECAUSE OF CONTAMINATION WITH FILTH**

**95. Adulteration and misbranding of Cotec. U. S. v. 9 Packages of Cotec. Default decree of condemnation and destruction. (F. D. C. No. 1211. Sample No. 73892-D.)**

This product was adulterated because it consisted in part of filth, and was misbranded because of false and misleading representations regarding its efficacy in the conditions mentioned hereinafter.

On December 21, 1939, the United States attorney for the District of New Hampshire filed a libel against nine packages of Cotec at Concord, N. H., alleging that the article had been shipped in interstate commerce on or about November 22, 1939, by the Cotec Co. from Lynn, Mass.; and charging that it was adulterated and misbranded.

Analysis showed that the article consisted essentially of fat and excrement.

Adulteration was alleged in that the article consisted in part of a filthy substance.

It was alleged to be misbranded in that its labeling bore representations that it was an efficacious preparation for all kinds of piles including blind, bleeding, itching, internal, and external piles; that it was a treatment that relieved by absorption all inflammation of the lower bowel; that it would relieve such condition without an operation or detention from business; that it was one of the most popular and valuable of all pile treatments; that it would reduce all congestion and swelling, and heal all sores, ulcers, and irritated parts immediately; that it would heal while one slept; that it was an efficacious preparation for pile tumors; that it would be an efficacious preparation for the symptoms of the disease (piles) among which are a kind of tenesmus, a bearing-down sensation, heat, tension, and throbbing of the part varying from a moderate degree of the sensations to the most excruciating suffering; that it would be an efficacious preparation for prolapsus or falling of the bowels and for various attendant symptoms of piles such as nervous pains, pain and weakness in the back, irritation of the kidneys and bladder, and other organs of the vicinity, pain and numbness in the legs and feet, a sense of straitness about the chest, unnatural fullness of the abdominal viscera, accompanied by palpitation and oppression of the heart, great derangement of the circulation, sense of weight and pressure in the abdomen with peculiar feeling of uneasiness in the bowels, sensation of bearing down in the rectum and perineum, pain in the back and loins, nausea, slight pain in the stomach, scanty and high-