

17845. Adulteration and misbranding of ether. U. S. v. 10 Cases of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24419. I. S. Nos. 028831, 028832, 028833, 028834, 028826, 028827, 028828, 028829. S. No. 2678.)

Samples of ether from the herein-described interstate shipment having been found to contain more acid and nonvolatile matter than permitted by the United States Pharmacopoeia, and to contain peroxide, which is not found in the pharmacopoeial product, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On January 6, 1930, the United States attorney filed in the District Court of the United States a libel, and on May 13, 1930, an amended libel praying seizure and condemnation of 10 cases, each containing 200 quarter-pound tins of ether, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Pacific Chemical Co., from New York, N. Y., on or about April 27, 1929, and had been transported from the State of New York into the State of Pennsylvania, charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether * * * for anesthesia * * * The best that can be made for anesthesia * * * it is superior in vital respects to the ether of the U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of purity as laid down in that authority in that it contained acid, nonvolatile matter, and peroxide. Adulteration was alleged for the further reason that the article was sold under the following standard of purity: "It is superior in vital respects to the ether of the U. S. P.," whereas the purity of the said article fell below such professed standard.

Misbranding was alleged for the reason that the statements on the can label, "The best that can be made for anesthesia" and "It is superior in vital respects to the ether of the U. S. P.," were false and misleading.

On October 27, 1930, no appearance or answer having been filed by the parties in interest, 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.*

17846. Misbranding of Sniff. U. S. v. 1½ Dozen Bottles of Sniff. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24942. I. S. No. 6605. S. No. 3303.)

Examination of samples of a drug product, known as Sniff, from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, and did not bear a statement of the quantity of alcohol contained in the article, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 22, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one and one-half dozen bottles of Sniff at Chicago, Ill., alleging that the article had been shipped by M. R. Cady & Co., from Grand Rapids, Mich, July 17, 1930, and had been transported from the State of Michigan to the State of Illinois, 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 small amounts of volatile oils including mustard and turpentine oils, camphor, and menthol, alcohol (63.2 per cent), and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the said article contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Carton) "Instant Relief for Headaches caused from Nervousness, Eye Strain, etc. * * * Instant relief for * * * Hay Fever * * * Instant Relief * * * Asthma, Hay Fever * * * Instant Relief for Asthma, Catarrh and Sinus Trouble;" (circular) "Sniff is a preventative for * * * Sinus Trouble, Hay Fever,