

had been transported from the State of New York into the State of Virginia, 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 small proportions of phenols, resins, and sodium hydroxide, and water. Bacteriological examination showed that the article was not an antiseptic nor a bactericide.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality of "Antiseptic and Bactericidal," under which it was sold.

Misbranding was alleged for the reason that the following statements, appearing on the bottle label and in the circular, were false and misleading: (Bottle) "Antiseptic and Bacteriacidal;" (circular) "The beneficial results * * * are due to the combined antiseptic * * * properties of the ingredients, * * * through its strong bactericidal strength * * * Laboratory report showing germicidal strength, antiseptic * * * properties." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Pyor-Heal * * * for the Treatment of Pyorrhoea (Causing receding gums) Vincent's Angina (Trench Mouth) * * * Beneficial in Allaying Inflammatory Conditions of the Mucous Membranes of the Mouth and Throat. * * * Pyor-Heal is recommended for home use as a supplemental treatment in conditions of Pyorrhoea, Gingivitis, Trench-Mouth, Bleeding Gums, Canker Sores. Pyor-Heal will be found an effective prophylactic if used as a mouth wash and gargle night and morning. Dilute as indicated. * * * Prophylactic after extraction;" (circular) "For the treatment of Pyorrhoea (causing receding gums) Vincent's Angina (Trench Mouth), Gingivitis, * * * Bleeding Gums and of benefit in allaying all inflammatory conditions of the mouth and throat. * * * Pyor-Heal is a remedy and gives absolute results in all inflammatory conditions. * * * acting both as a prophylactic and antiseptic for all inflamed conditions of the mouth. * * * Pyor-Heal is specifically indicated as a home treatment after teeth have been properly cleaned by the dentist, in conditions of sore, inflamed or bleeding gums, gingivitis, pyorrhoea, etc. Pyor-Heal is recommended not only for the prevention of diseased conditions arising in the gums and mouth, but also as an active remedial agent as its name implies. In the treatment of Pyorrhoea, both during the height of its symptoms and thereafter as a safeguard against its recurrence. Pyor-Heal if used will almost immediately arrest gum recessions. * * * Pyor-Heal should be used freely in all the following conditions: Pyorrhoea, Gingivitis, Tonsillitis * * * Sore Throat, Tender Gums, Spongy Gums, Bleeding Gums, Turgid Gums, Loose Teeth, Abscesses, Salivation * * * Canker Sores, Diphtheria, Quinsy * * * Pyor-Heal is a remedy. * * * For Pyorrhoea, Gingivitis, Bleeding, Swollen or Receding Gums, or Loose Teeth, and after extractions, use one teaspoonful undiluted after meals and before retiring, until the acute symptoms have subsided, churning the liquid between the teeth and around the gums, for several minutes. * * * This treatment will be found very beneficial for Sore Throat, Hoarseness, Canker Sores."

On March 31, 1931, 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.*

18033. Adulteration and misbranding of ether. U. S. v. Fifty-two 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product delivered to this department. (F. & D. No. 25673. I. S. No. 8939. S. No. 3959.)

Samples of ether taken from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fifty-two 1-pound cans of ether, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been

shipped by the American Solvents & Chemical Corporation, on or about November 24, 1930, from Albany, N. Y., and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. X."

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 strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statements on the can labels, "Ether U. S. P. X." and "Ether U. S. P.," were false and misleading when applied to ether containing peroxide.

On March 21, 1931, 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 delivered to this department for analytical purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18034. Adulteration and misbranding of Lorty antiseptic tooth paste. U. S. v. 188 Dozen Tubes of Antiseptic Tooth Paste * * * Lorty. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25610. I. S. No. 9288. S. No. 3905.)

Examination of the product herein described having shown that it was represented to be an antiseptic, and to possess certain curative and therapeutic properties, whereas it was not antiseptic, and did not possess such curative and therapeutic properties, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 188 dozen tubes of tooth paste, labeled "Antiseptic Tooth Paste * * * Lorty," remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the B. F. Allen Co., New York, N. Y., on or about September 3, 1930, and had been transported from the State of New York into the State of Maryland, 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 calcium carbonate, soap, potassium chlorate, glycerin, water, flavoring material including peppermint oil, and a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic Tooth Paste," appearing on the carton and tube of the product, was false and misleading. Misbranding was alleged for the further reason that the statement "Helps prevent pyorrhea," appearing on the said carton and tube, regarding the curative or therapeutic effects of the said article, was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 31, 1931, the Read Drug & Chemical Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled and should not be sold or disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18035. Misbranding of menthol inhalers. U. S. v. 5 Dozen Menthol Inhalers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26018. I. S. No. 28041. S. No. 4288.)

Examination of menthol inhalers from the shipment herein described, having shown that the glass tube containing the article and the display card bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 dozen menthol inhalers, remaining in the original unbroken packages at Easton, Pa., consigned by the Coeur Azur Co., Brooklyn, N. Y.,