

On April 8, 1931, 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.*

18184. Misbranding of Pabst's O. K. specific. U. S. v. 72 Bottles, et al., of Pabst's O. K. Specific. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25073, 25074. I. S. Nos. 7520, 7522. S. No. 3354.)

Examination of samples of a drug product known as Pabst's O. K. Specific having shown that the bottle label, the wrapper, and accompanying circulars bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported to the United States attorney for the Eastern District of Wisconsin the shipments herein described, involving quantities of the product located at Milwaukee, Wis.

On August 27, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 100 bottles of Pabst's O. K. specific, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Pabst Chemical Co., Chicago, Ill., on or about April 24, 1930, and had been transported from the State of Illinois into the State of Wisconsin, 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 cubeb oil, copaiba, extracts of other plant drugs including buchu, alcohol, sugar, and water.

It was alleged in the libels that the article was misbranded in that the following statements, together with similar statements in several foreign languages, regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Wrapper and bottle label) "O. K. Okay Specific;" (wrapper) "Absolutely Safe * * * Take It And You Will Not Be Disappointed;" (small circular, entitled "The Okay Tonic") "Men * * * who had just completed a treatment with our Okay Specific and felt the need of * * * a medicine to overcome the after-effects of acute infections. * * * these patients, * * * following a siege of debilitating sickness. * * * 'Tonic' is not to be taken at the same time you take the 'Okay Specific.' When you are through with the treatment for Gonorrhoea and Gleet, then we would advise you to take some of our 'Okay Tonic' * * * It has a soothing effect on the * * * organs that were affected by your recent illness. * * * Do not confuse the Okay Tonic with the Okay Specific. It is not to be taken instead of the Okay Specific, but as an After Treatment. When you have been cured of the Gonorrhoea, then use The Okay Tonic [similar statements in several foreign languages];" (large circular entitled "Pabst's Okay Specific") "Take the medicine regularly in full doses without interrupting the treatment until satisfactory results have been obtained; continue taking the medicine for fifteen days after all outward signs have disappeared. * * * Chronic Cases. Pabst's Okay Specific is especially beneficial in chronic cases. These cases, which are usually of long standing, * * * generally disappear after using the Okay Specific. Of course, it must not be expected that a case of many years' standing will disappear after taking one bottle of the medicine; very old cases may require more time and longer treatment, and several bottles, sometimes four or five of the medicine may have to be taken before satisfactory results are obtained. * * * If the case is one of long standing, continue for ten to fifteen days with full doses after all outward signs have disappeared, and then ten to fifteen days more in gradually diminished doses."

On January 30, 1931, 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.*

18185. Adulteration and misbranding of ether. U. S. v. 80 Quarter-Pound Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25559, 25575, 25583, 25592. I. S. Nos. 20651, 20653, 26815, 26816, 27283. S. Nos. 3850, 3871, 3889, 3890.)

Examination of samples of ether from the shipments herein described having shown that peroxide, a decomposition product, was present in a large propor-

tion of the samples, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about January 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of eighty ¼-pound cans, one hundred and thirty ½-pound cans, and forty-nine 1-pound cans of ether at Chicago, Ill., alleging that the article had been shipped by Merck & Co., from St. Louis, Mo., in various consignments, on July 15, July 19, July 25, and November 22, 1930, and had been transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia U. S. P." or "Ether U. S. P."

It was alleged in the libels 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 official at the time of the investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statements on the labels, "Ether U. S. P." or "Ether * * * U. S. P.," were false and misleading.

On April 20, 1931, Merck & Co. (Inc.), St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18186. Adulteration of ether. U. S. v. Fifty 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25087. I. S. No. 7347. S. No. 3368.)

Samples of ether 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 Northern District of Alabama.

On August 29, 1930, 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 1-pound cans of ether, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by the Mallinckrodt Chemical Works from St. Louis, Mo., on or about January 3, 1930, and had been transported from the State of Missouri into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

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 said pharmacopoeia.

On March 14, 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.*

18187. Misbranding of Ac-Ac. U. S. v. 4½ Dozen Bottles of Ac-Ac. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25148. I. S. No. 7400. S. No. 3409.)

Examination of a drug product, known as Ac-Ac, from the shipments herein described having shown that the bottle label contained 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 Southern District of Mississippi.

On September 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four and one-half dozen bottles of Ac-Ac, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Approved Formulas Corporation, Birmingham, Ala., in part on or about April 11, 1930, and in part on or about May 21, 1930, and had been transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The bottles containing the article were labeled in part: "Ac-Ac * * * For Influenza * * * For Pains of Any Character."