

On February 14, 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 1 dozen 16-ounce bottles, 1 dozen 8-ounce bottles, and 2½ dozen 4-ounce bottles of Lavodent, remaining in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Lavodent Research Laboratories (Inc.), from Philadelphia, Pa., in various consignments on or about September 2, 1929, May 24, 1930, and September 14, 1930, and had been transported from the State of Pennsylvania into the State of Delaware, 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 zinc chloride, ammonium chloride, saccharin, and flavoring oils including cassia oil, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading, since the article was not antiseptic: (Bottle labels for 16-ounce and 8-ounce sizes) "Which is an antiseptic * * * it is several times as powerful a germicide as phenol * * * a powerful germicide and disinfectant * * * an antiseptic;" (circular accompanying 16-ounce and 4-ounce sizes) "Lavodent has an inhibitive action on these bacteria. * * * Is several times as powerful a germ killer as pure carbolic acid." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the bottle labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (16-ounce size, band on bottle neck) "For healthy gums;" (bottle label) "Prevents Pyorrhea * * * Strengthens the gums;" (8-ounce size, bottle label) "Prevents Pyorrhea * * * Strengthens the gums;" (4-ounce size, bottle label) "For Pyorrhea * * * use Lavodent with equal parts of hot water every four hours."

On April 20, 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.*

18373. Adulteration of ether. U. S. v. 180 Cans of Ether. Default decree entered. Product ordered delivered to University of Minnesota for experimental purposes. (F. & D. No. 25995. I. S. No. 24916. S. No. 4272.)

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 District of Minnesota.

On March 7, 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 180 cans of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., on or about January 24, 1931, and had been transported from the State of Missouri into the State of Minnesota, 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 test laid down in said pharmacopoeia official at the time of investigation, in that it contained peroxide, and its own standard was not stated on the label.

On April 22, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal. Subsequently an amended decree was entered permitting release of the product to the University of Minnesota, Minneapolis, Minn., for use in the laboratory for experimental purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18374. Adulteration and misbranding of ether. U. S. v. 100 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26014. I. S. Nos. 12875, 22051. S. Nos. 4311, 4312.)

Samples of ether from the shipments 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 California.

On March 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid in a libel praying seizure and condemnation of one hundred 1-pound cans and eighty 5-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., consigned by Merck & Co. (Inc.), Rahway, N. J., alleging that the article had been shipped from Rahway, N. J., in part on or about January 17, and in part on or about January 23, 1931, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether 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 strength, quality, and purity as determined by tests laid down in the said pharmacopoeia, in that it contained peroxide.

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

On May 14, 1931, Merck & Co. (Inc.), Rahway, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$250, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18375. Misbranding of Anti-Pyor mouth wash. U. S. v. 1¾ Gross Bottles of Anti-Pyor Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26343. I. S. No. 29121. S. No. 4663.)

Examination of a drug product, known as Anti-Pyor mouth wash, from the shipments herein described having shown that the article contained less alcohol and less zinc chloride than declared on the label, also that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 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 1¾ gross bottles of Anti-Pyor mouth wash, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Sharp & Dohme (Inc.), Philadelphia, Pa., in part on or about March 6, and in part on or about March 10, 1931, and had been transported from the State of Pennsylvania into the State of New York, 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 alcohol (42 per cent), zinc chloride (1.78 grains per fluid ounce), small proportions of beta-naphthol, formaldehyde, menthol, methyl salicylate, and extracts of plant drugs and water.

It was alleged in the libel that the article was misbranded in that its 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 appearing in the labeling, (carton) "Alcohol 50% * * * Zinc Chloride 2 gr." and (bottle) "Alcohol 50%," were false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, English and Spanish) "Anti-Pyor * * * A valuable aid in the prevention and treatment of Pyorrhoea Alveolaris * * * helps to heal erosions and hardens the gums * * * Anti-Pyor is used to * * * prevent decay of the teeth * * * inflammation, ulceration and receding of the gums, abscesses and pyorrhoea;" (bottle, in English and Spanish) "Anti-Pyor * * * valuable aid in the prevention and treatment of Pyorrhoea Alveolaris;" (circular, English) "You can check Pyorrhoea * * * and relieve sore throat with Mulford Anti-Pyor * * * hardens the gums * * * and preserves the teeth. Anti-Pyor aids in safeguarding the region in which many ills find a starting point. By preventing trouble, Anti-Pyor helps materially in maintaining good health;" (circular, Spanish) "Very useful in the prevention and treatment of Pyorrhoea."