

It was alleged in substance in the libel that the article was labeled in part, (carton and bottle) "Articular Rheumatism, Gouty Rheumatism, Inflammatory Rheumatism, Muscular Rheumatism, Sciatic Rheumatism, Acute or Chronic," (circular) "But do claim that it has been beneficial in genuine cases of Sciatic Rheumatism," and that it was misbranded, which misbranding was false and misleading. This department recommended that the charge be brought that the article was misbranded in that the statements from the carton and bottle labels and circular, above quoted, and certain additional statements appearing in the circular, were false and fraudulent.

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.*

**18397. Misbranding of Wampole's vaginal cones boroglyceride compound with ichthyol. U. S. v. 9 $\frac{1}{2}$  Dozen, et al., Wampole's Vaginal Cones Boroglyceride Compound with Ichthyol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25222, 25223. I. S. Nos. 8788, 8789. S. Nos. 3495, 3496.)**

Examination of a sample of Wampole's vaginal cones boroglyceride compound with ichthyol taken from one of the shipments herein described having shown that the wrapper, box label, and 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 Western District of New York.

On October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 31 $\frac{1}{2}$  dozen Wampole's vaginal cones boroglyceride compound with ichthyol, remaining in the original unbroken packages at Buffalo, N. Y., consigned by H. K. Wampole & Co., Philadelphia, Pa., alleging that the article had been shipped from Philadelphia, Pa., in various consignments, between the dates of April 3, 1930 and September 22, 1930, 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 boric acid, borax, a sulphonated oil, a zinc compound, glycerin, and gelatin.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping wrapper) "Useful in Inflammatory Conditions;" (box) "For Inflammatory or Congested Conditions of the Vagina and Uterus;" (circular) "In treatment of gonorrhoea, Wampole's Ichthyol Cones should prove a helpful adjunct, in view of the reported effectiveness of Ichthyol in cases of acute and chronic gonorrhoea \* \* \* melting and dissolving slowly and completely, insuring opportunity for prolonged therapeutic action."

On January 7, 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.*

**18398. Adulteration and misbranding of ether. U. S. v. Sixteen  $\frac{1}{4}$ -Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25906. I. S. No. 27585. S. No. 4162.)**

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 Western District of North Carolina.

On February 16, 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 sixteen  $\frac{1}{4}$ -pound cans of ether, remaining in the original unbroken packages at Asheville, N. C., alleging that the article had been shipped by Merck & Co. (Inc.), from Rahway, N. J., on or about October 18, 1930, and had been transported from the State of New Jersey into the State of North Carolina, 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."

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 the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statement on the label, "Ether for Anesthesia, U. S. P.," was false and misleading.

On June 9, 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.*

**18399. Adulteration and misbranding of ether. U. S. v. 38 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25910. I. S. No. 26923. S. No. 4167.)**

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 Texas.

On or about February 27, 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 38 cans of ether, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about May 1, 1930, and had been transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding 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 purity as determined by the test for ether laid down in the said pharmacopoeia at the time of investigation, since it contained peroxide.

Misbranding was alleged for the reason that the article was labeled, "Ether for Anesthesia," which label was false and misleading in that it led the public to believe that the article was ether which conformed to the standard of purity laid down in the United States Pharmacopoeia, whereas it did not, since it contained peroxide.

On May 15, 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.*

**18400. Misbranding of Wood's fever pills. U. S. v. 70 Packages of Wood's Fever Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25776. I. S. No. 8138. S. No. 4012.)**

Examination of a drug product, known as Wood's fever pills, from the shipment herein described showed that the article contained cinchonine, a derivative of cinchona, that it was recommended as a cure for ailments for which quinine and other cinchona derivatives are customarily prescribed, and that it contained insufficient cinchonine to cure such ailments when used according to directions, namely: "Two Pills the night before and two Pills the morning of the expected fever day; then one Pill night and morning for one or two days; then one Pill the night before and one the morning of the 7th, 14th, and 21st days, counting from the last fever." The labeling of the article bore further curative and therapeutic claims that were not justified by the composition of the article.

On January 23, 1931, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 packages of Wood's fever pills at Memphis, Tenn., alleging that the article had been shipped by Dr. Wm. Wood & Sons, from Cairo, Ill., on or about October 6, 1930, and had been transported from the State of Illinois into the State of Tennessee, 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 contained acetanilid (0.86 grain per pill), cinchonine (0.29 grain per pill), and extracts of plant drugs including a laxative drug.