

the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, in that it contained peroxide.

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

On July 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19043. Adulteration and misbranding of ether. U. S. v. 20 Cans, et al., of Ether. Default decree of condemnation. Product delivered to Federal agency. (F. & D. No. 27058. I. S. Nos. 34774, 34775. S. No. 5286.)

Samples of ether from the shipments herein described having been found to contain peroxide, indicating deterioration, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On October 10, 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 35 cans of ether at Pittsburgh, Pa., alleging that the article had been shipped by the Mallinckrodt Chemical Works, in part from St. Louis, Mo., on or about June 29, 1931, and in part from Jersey City, N. J., on or about September 21, 1931, and had been transported from the States of Missouri and New Jersey 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."

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 statement on the label, "Ether U. S. P.," was false and misleading when applied to ether falling below pharmacopoeial standard.

On December 24, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal. On December 30, 1931, the marshal was directed by the court to release the product to the Bureau of Industrial Alcohol, instead of destroying it.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19044. Adulteration and misbranding of Lumentol ointment. U. S. v. 4 Dozen Jars of Lumentol Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26997. I. S. No. 5798. S. No. 5182.)

Examination of a drug product, known as Lumentol ointment, showed that the jar and carton labels and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess. The labels also represented that the article was germicidal and antiseptic, whereas it was not.

On October 2, 1931, the United States attorney for the District of Puerto Rico, 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 four dozen jars of Lumentol ointment, alleging that the article was in the possession of Moscoso Hermano & Co., Ponce, P. R., and that it was being offered for sale and sold in Puerto Rico, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of bismuth and zinc and a tarry oil, such as cade oil, incorporated in an ointment base perfumed with volatile oils including eucalyptol, menthol, and methyl salicylate. Bacteriological examination showed that the article was not germicidal nor antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (Spanish) "Antiseptic * * * Germicide," whereas the strength of the said article fell below such professed standard, in that it was not antiseptic nor germicidal.

Misbranding was alleged for the reason that the statements on the carton and jar labeled in Spanish, "Antiseptic * * * Germicide," were false and misleading when applied to an article that was not germicidal nor antiseptic.