

consignments on or about June 15, 1928, May 6, and June 6, 1930, and had been transported from the State of Pennsylvania into the State of Texas, and charging adulteration and misbranding of the said Oxylene paste, and misbranding of the said Oxylene liquid, in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Oxylene paste consisted essentially of calcium carbonate, clay, powdered ipecac, volatile oils including menthol, clove oil and anise oil, a gum, glycerin, sugar, and water, and Oxylene liquid consisted essentially of coar-tar oil, capsicum oleoresin, phenols including guaiacol and methyl salicylate, other volatile oils including clove oil, sassafras oil, and turpentine oil, ether, alcohol (by volume 20.2 per cent), and water. Bacteriological examination of the Oxylene paste showed that it was not antiseptic.

Adulteration was alleged in the libel with respect to the Oxylene paste for the reason that its strength fell below the professed standard under which it was sold, in that the carton was labeled "Inhibits Germs," whereas the article was not antiseptic.

Misbranding of the said Oxylene paste was alleged for the reason that the statement on the carton, "Inhibits Germs," was false and misleading. Misbranding was alleged with respect to both products for the reason that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent: (Oxylene paste, tube) "Pyorrhoea Specific * * * Pyorrhoea Alveolaris and Diseases of the Gums. Oxylene is superlative in the treatment of soft, sore, bleeding or receding gums * * * Will assist loose teeth to tighten up;" (Oxylene paste, carton) "Pyorrhoea Specific * * * Pyorrhoea Alveolaris and diseases of the gums. Oxylene is superlative in the treatment of receding, spongy or bleeding gums, * * * and will assist loose teeth to tighten up, * * * hardens the gums * * * Prevents Pyorrhoea;" (Oxylene liquid, bottle label and wrapper) "A specific for Pyorrhoea Alveolaris, Gingivitis, and all diseased conditions of the gums."

On April 15, 1932, the Noa Spears Co., San Antonio, Tex., having intervened and filed an answer and claim in the case against the said Oxylene liquid and having admitted the allegations contained in the libel filed against the said product, judgment of condemnation 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 in part that it be relabeled and that it should not be disposed of in violation of the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession. On the same date the said claimant having withdrawn an intervention filed in the case against the Oxylene paste, and no other person having interposed a claim for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said Oxylene paste be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19454. Adulteration and misbranding of ergot ampuls. U. S. v. Endo Products (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 26619. I. S. No. 15818.)

Samples of ergot ampuls shipped in interstate commerce as herein described were found to contain approximately one-sixth of the therapeutically important principles of ergot required by the United States Pharmacopoeia for fluid extract of ergot.

On March 30, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Endo Products (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about January 9, 1931, from the State of New York into the State of New Jersey, of a quantity of ergot ampuls that were adulterated and misbranded. The article was labeled in part: (Box) "Twelve Ampoules for intramuscular or subcutaneous Use;" (ampul) "Ergot U. S. P. X. Purified Sterile * * * Endo Products, Inc. New York."

It was alleged in the information that the article was adulterated in that it was sold under and by 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 investigations, since the article, when administered by intramuscular injection to single-

comb white Leghorn cocks, required 3 cubic centimeters of the solution for each kilogram of body weight of cock to produce a darkening of the comb corresponding to that caused by 0.5 cubic centimeter of the standard fluidextract of ergot, whereas the pharmacopoeia provides that fluidextract of ergot, when administered by intramuscular injection to single-comb white Leghorn cocks in doses not exceeding 0.5 cubic centimeter for each kilogram of body weight of cock shall produce a darkening of the comb corresponding in intensity to that produced by the same dose of standard fluidextract of ergot; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold, in that it was represented to be sterile solution of ergot which conformed to the standard laid down in the United States Pharmacopoeia, tenth revision, whereas it was not.

Misbranding was alleged for the reason that the statement "Sterile Solution Ergot, U. S. P. X.," borne on the label attached to the ampul, was false and misleading in that the said statement represented that the article was fluidextract of ergot which conformed to the standard laid down in the United States Pharmacopoeia, tenth revision, whereas it was not.

On April 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19455. Adulteration and misbranding of Mackie's pine oil. U. S. v. 5 Dozen Bottles of Mackie's Pine Oil. Default decree of destruction. (F. & D. No. 26885. I. S. No. 36627. S. No. 5074.)

Examination of a drug product, known as Mackie's pine oil, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the bottle and carton labels and in an accompanying circular. The product was also represented to be germicidal and antiseptic, whereas it was not.

On August 20, 1931, the United States attorney for the Southern District of Mississippi, 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 five dozen bottles of Mackie's pine oil, remaining in the original unbroken packages at Jackson, Miss., alleging that the article had been shipped by Mackie's Pine Oil Specialty Co. (Inc.), from Covington, La., on or about July 18, 1931, and had been transported from the State of Louisiana into the State of Mississippi, 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 the product consisted of a coniferous oil.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of "germicidal," stated on the carton.

Misbranding was alleged for the reason that the following statements, appearing on the bottle and carton labels and in the circular, were false and misleading: (Carton) "Germicidal * * * put a few drops in half a glass of water and snuff up the nose every three or four hours; saturate a cloth and inhale odor through the nose and mouth, leaving cloth on pillow or hung so as to inhale while asleep. * * * Germicidal;" (circular) "Germicidal * * * It is a scientific and thoroughly modern germicide, * * * Takes the Place of Dangerous Germicides;" (bottle) "A teaspoonful in water gives a cleansing and antiseptic bath." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Skin Eruptions * * * Ordinary Sore Throat. Bronchitis, Tonsillitis, Whooping Cough, Asthma, * * * Sores, * * * Skin Eruptions, * * * For Rheumatism, * * * For Coughs, * * * Sore Throat, Tonsillitis, Bronchitis, * * * For Asthma;" (carton) "Directions For * * * Sores, * * * Skin Eruptions, * * * For Coughs, * * * Ordinary Sore Throat, Tonsillitis, Bronchitis, * * * For Asthma * * * For Whooping Cough, to produce relaxation and lessen coughing paroxysms, rub pit of stomach with Pine Oil * * * For * * * Many Skin Eruptions, Ordinary Sore Throat, Bronchitis, Tonsillitis, Whooping Cough, * * * Asthma;" (circular) "Laboratory tests show also that Mackie's Pure St. Tammany Pine Oil has an anesthetic quality equal to a 2-per cent solution of