

on or about August 29, 1929, in the name of the Milton Elias Co., from Bayway into the State of Pennsylvania; and on or about September 9, 1929, in the name of the Harold Surgical Corporation, from Bayway, N. J., into the State of Pennsylvania. The article was labeled in part: "Ether * * * For Anaesthesia * * * The best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P."

Adulteration of the article was alleged in the information for the reason 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 investigation, and its own standard was not stated on the label, viz: 1 consignment of the article contained a greater amount of acid and non-volatile residue than specified in the pharmacopoeia; 2 of the consignments contained acid in excess of the amount specified in the pharmacopoeia; 1 consignment contained peroxide, which is not a constituent of the pharmacopoeial product, also acid in excess of the amount specified in the said pharmacopoeia; and 1 consignment contained aldehyde, which is not a constituent of the pharmacopoeial product, also acid in excess of the amount specified by the pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Ether * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P.," borne on the label, were false and misleading, since the article was not the best ether that can be made, and it was not superior, but was inferior to ether that complies with the United States Pharmacopoeia, since it contained impurities that made it inferior for use for anaesthesia.

On November 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 on each count, a total fine of \$2,000 on the 10 counts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19509. Adulteration and misbranding of ether. U. S. v. Sidney Cohen (Pacific Chemical Co.). Plea of guilty. Fine, \$200. (F. & D. No. 26529. I. S. Nos. 028826, 028827, 028828, 028829, 028831, 028832, 028833, 028834.)

This action was based on the interstate shipment of quantities of ether. Samples examined were found to contain peroxide, indicating deterioration. Acid and nonvolatile residue in excess of the amounts permitted by the United States Pharmacopoeia for ether also were found. Investigation showed that the article was a part of a lot of ether purchased from the Government as surplus Army stores, the Government having required the purchaser to execute a bond conditioned that it be used for purposes other than anaesthesia, and in some manner whereby its deteriorated condition would not endanger human life. The article was shipped under its original labels as ether for anaesthesia.

On October 20, 1931, 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 Sidney Cohen, trading as the Pacific Chemical Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 27, 1929, from the State of New York into the State of Pennsylvania, of quantities of ether that was adulterated and misbranded. The article was labeled in part: "Ether * * * For Anaesthesia * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P."

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 investigation, since it consisted in part of peroxide, a constituent not present in ether of the United States Pharmacopoeial standard, and since it contained acid and nonvolatile residue in excess of the amounts specified in the said pharmacopoeia, and its own standard was not stated on the label. Adulteration was alleged for the further reason that the article was sold under the following professed standard and quality stated on the label, "Ether * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P.," and its strength and purity fell below such pro-

fessed standard, since it was not the best ether that could be made for anaesthesia, and was inferior in vital respects to ether complying with the United States Pharmacopoeial standard.

Misbranding was alleged for the reason that the statements, "Ether * * * the best that can be made for anaesthesia * * * It is superior in vital respects to the ether of the U. S. P.," borne on the tins containing the article, were false and misleading.

On December 7, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19510. Misbranding of Tuttle's Family elixir. U. S. v. 1 1/4 Dozen Bottles, et al., of Tuttle's Family Elixir. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26316, 26317. I. S. Nos. 28464, 28465. S. Nos. 4606, 4607.)

Examination of a drug product, known as Tuttle's Family elixir, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels and in a circular shipped with the article. Analysis showed the presence of alcohol, which was not declared on the label.

On May 2, 1931, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four and one-half dozen bottles of the said Tuttle's Family elixir, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by Tuttle's Elixir Co., from Boston, Mass., in part on or about February 13, 1931, and in part on or about March 9, 1931, and had been transported from the State of Massachusetts into the State of Maine, 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 volatile oils including camphor and a coniferous oil, ammonia, ox gall, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the carton failed to bear a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lameness and Joint Affections * * * Recommended for Cholera Morbus, Diarrhoea, Lameness, Neuralgia, Toothache, Headache, Earache, Croup, * * * Caked Breasts, Lameness, Pain in the Side, * * * Corns, Bunions, Chilblains, Contracted Cords. Directions for Use;" (carton) "For Pains, Lameness, Stiff Joints, Sore Throat * * * Etc.;" (circular) "Testimonials * * * 'After suffering with inflammatory rheumatism till I was crooked and bent, with hands enlarged and fingers twisted out of shape, I know something of the intense pain and agony that dread disease inflicts. For the past three years I used crutches, and was unable to dress myself. Five different physicians tried their skill on me, and each decided I was incurable. I was simply in despair, and hoped for death as a relief from my misery. A friend advised me to try Tuttle's Elixir. I had used so much medicine that I hated to touch a bottle, but to my surprise I found that it relieved me within three days. The pain had subsided, and after the constant application of the Elixir for five weeks, the pain had left me entirely. I now walk without crutches, and can dress and care for myself.' * * * for the instant relief and speedy cure for poisoning from Gypsy and Brown Tail Moths. I tried many different preparations but received no benefit from any of them; but after applying your Elixir three times the irritation, itching and swelling was all gone and I will be pleased to tell anyone of my experience with your Elixir.' * * * I have been sadly afflicted with rheumatism in my feet for several months, and suffered great pain, so much so, it was with great difficulty that I could walk. I consulted several physicians, and tried every remedy of which I could hear, but experienced very little, if any, relief and became quite discouraged. One day I chanced to meet a friend who recommended Tuttle's Elixir, and advised me to try it. I did so and have used three bottles of it. My pain and lameness is all gone, and feel that I am myself once more, and I heartily recommend Tuttle's Elixir to all who are afflicted with rheumatism.' * * * 'You asked me to write after using the Family Elixir on myself two weeks. In reply, it affords me much pleasure to inform you that I am much improved. I feel