

On May 2, 1932, the United States attorney for the Western District of Louisiana, 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 37 packages of the said Eucaline tonic compound, remaining in the original unbroken packages at Shreveport, La., alleging that the article had been shipped in interstate commerce, on or about August 21, 1931, by the Eucaline Medicine Co., from Dallas, Tex., to Shreveport, La., 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 a suspension of cinchona alkaloids (quinidine and cinchonidine, 2.35 grams per 100 milliliters equivalent to 7.48 grains per fluid ounce), acetanilid (2.7 grains per fluid ounce), peppermint oil, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton label and in an accompanying circular, were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed: (Carton) "Free from Dangerous Medicine * * * Is a most excellent remedy in cases of LaGrippe * * * Acts mildly on the Liver and Bowels * * * Restorative * * * It is a great * * * Remedy for * * * La Grippe * * * Take every 3 hours to stop * * * La Grippe. * * * to strengthen the system. * * * [Similar statements are made in foreign languages];" (bottle) "Take every 3 hours to stop * * * La Grippe * * * to strengthen the system;" (circular) "A wonderful remedy for * * * what is termed Lagrippe in our Southern country."

On June 9, 1932, no appearance or claim having been entered and a jury having found the allegations of the libel to be true and correct, judgment of condemnation was entered and it was ordered by the court that the article be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19873. Misbranding of Fumoil. U. S. v. Standard Chemical Manufacturing Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. 27493. I. S. No. 13153.)

This action was based on the interstate shipment of a quantity of a drug product known as Fumoil contained in cans, the label of which bore statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess.

On March 25, 1932, the United States attorney for the District of Nebraska, 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 Standard Chemical Manufacturing Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 17, 1930, from the State of Nebraska into the State of Arizona, of a quantity of Fumoil that was misbranded.

Analysis of a sample of the article by this department showed that it consisted of two parts: A carton containing calcium hypochlorite, and a small vial containing an oily liquid consisting principally of turpentine oil.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the can label, falsely and fraudulently represented that the article would be effective as a treatment for flu and pneumonia in hogs, and as a treatment for roup, nose, and throat troubles in poultry; whereas it contained no ingredients or medicinal agents effective as a treatment for flu and pneumonia in hogs or for roup or nose and throat troubles in poultry.

On July 14, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

HENRY A. WALLACE, *Secretary of Agriculture.*

19874. Misbranding of inhalers. U. S. v. 90 Inhalers. Consent decree of destruction. (F. & D. No. 25429. I. S. No. 15627. S. No. 3853.)

This action involved the interstate shipment of a number of so-called torpedo inhalers containing menthol. The labeling of the article represented that it possessed curative and therapeutic properties which, in fact, it did not possess.

On or about December 12, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the