

20884. Adulteration of ether. U. S. v. Three 5-Pound Cans and Twelve 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29669. Sample nos. 30743-A, 30745-A.)

This case involved the interstate shipment of a quantity of ether, samples of which were found to contain peroxide, a decomposition product.

On December 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of three 5-pound cans and twelve 1-pound cans of ether at Seattle, Wash., alleging that the article had been shipped on or about July 1, 1932, by the Blumauer Frank Drug Co., from Portland, Oreg., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia Mallinckrodt Chemical Works."

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 as determined by tests laid down in said pharmacopoeia and its own standard was not stated on the label.

On February 15, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20885. Misbranding of Cold Inhalant. U. S. v. 336 Bottles of Cold Inhalant. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30055. Sample no. 23401-A.)

This action involved an interstate shipment of Cold Inhalant, a drug preparation, the package of which failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On April 5, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 336 bottles of Cold Inhalant at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 21, and January 24, 1933, by the American Pharmaceutical Co., from New York, N.Y., to San Francisco, Calif., and charging 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 volatile oils (approximately 30 percent by volume), including menthol and lavender oil, and alcohol (70 percent by volume).

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On April 27, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20886. Misbranding of Cal Spa mineral water. U. S. v. 46 Bottles, et al., of Cal Spa Mineral Water. Decrees of condemnation and forfeiture. Portion of product destroyed. Remainder released under bond to be relabeled. (F. & D. nos. 29994, 30347, 30643. Sample nos. 23040-A, 30981-A, 40113-A.)

Examination of the composition and labeling of the Cal Spa mineral water involved in these cases disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was found to contain materially less potassium iodide than declared on the label.

On March 30, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bottles of Cal Spa mineral water at San Francisco, Calif., alleging that the article had been shipped in interstate commerce into the State of California, on or about March 1, 1933, by F. A. Wiggins, from Seattle, Wash. On or about April 22, 1933, a libel was filed in the Western District of Washington against 29 cases of Cal Spa mineral water at Seattle, Wash., and on June 21, 1933, a libel was filed in the Northern District of Ohio against 33 bottles of the product at Youngstown, Ohio, alleging shipment of the said lots, on or about