

27393. Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether (and two other seizure actions). Consent decrees of condemnation and destruction. (F. & D. nos. 39271, 39272, 39273. Sample nos. 21649-C, 21650-C, 21654-C.)

This ether differed from the standard prescribed by the United States Pharmacopoeia, samples having been found to contain aldehyde or peroxide, or both.

On March 29, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 cans of ether at New Orleans, La., alleging that the article had been shipped in interstate commerce by Merck & Co., Inc., from St. Louis, Mo., in various shipments on or about September 29, December 29, 1936, and February 2, 1937, and charging that it was adulterated and misbranded and that it was "at the time of shipment, and still is, subject to seizure, condemnation, and confiscation under Section 10 of the Food and Drugs Act." On May 5, 1937, the allegation in each of the original libels, in the words above quoted, was amended to read that the article "is subject to seizure, condemnation, and confiscation under Section 10 of the Food and Drugs Act." The article was labeled in part: "Ether for Anesthesia * * * U. S. P."

It was alleged to be 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 for ether as determined by the tests laid down in the pharmacopoeia and its own standard of strength, quality, and purity was not stated on the container.

The article was alleged to be misbranded in that the statement "Ether * * * U. S. P." was false and misleading when applied to an article containing aldehyde or peroxide, or both.

On May 25, 1937, no claim having been entered for the product and Merck & Co., Inc., having consented to its destruction, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27394. Adulteration and misbranding of ether. U. S. v. 14 Cans of Ether (and 5 other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39268, 39294, 39304, 39399, 39407, 39619. Sample nos. 80755-C, 84627-C, 84629-C, 84711-C, 84723-C, 84782-C, 84794-C.)

This product differed from the standard established by the United States Pharmacopoeia, samples having been found to contain aldehyde or peroxide, or both aldehyde and peroxide.

On March 25 and March 29, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 cans of ether at New Orleans, La. On April 2, 20, and 21 and May 17, 1937, libels were filed against 160 cans of ether at El Paso, Tex., 104 cans of ether at Birmingham, Ala., and 105 cans of ether at Houston, Tex. The libels alleged that the article had been shipped in interstate commerce by the Mallinckrodt Chemical Works from St. Louis, Mo., that the product seized at New Orleans, La., had been shipped on or about October 8 and October 10, 1934; that the product seized at Birmingham, Ala., had been shipped on or about July 24 and August 17, 1935; that the product seized at El Paso, Tex., had been shipped on or about March 15, 1936, and that the product seized at Houston, Tex., had been shipped on or about March 26, 1937. The libels alleged further that the article was adulterated and that portions thereof were misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia"; one shipment was labeled further: "Fully conforms to all requirements of the U. S. P. XI."

The article in all shipments was alleged to be 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 pharmacopoeia and its own standard of strength was not stated on the container.

The product seized at Birmingham, Ala., was alleged to be misbranded in that the statement on the label "Ether for Anesthesia", was false and misleading: that seized at Houston, Tex., was alleged to be misbranded in that the statement on the label, "Ether * * * Fully conforms to all requirements of the U. S. P. XI," was false and misleading when applied to an article in which peroxide was present.