

1210. Adulteration and misbranding of solution of citrate of magnesia. U. S. v. Mordecai Seidman (M. Seidman). Plea of guilty. Fine, \$70 and costs. (F. D. C. No. 11390. Sample Nos. 64840-E, 21020-F, 34213-F, 37688-F.)

On April 14, 1944, the United States attorney for the Western District of Pennsylvania filed an information against Mordecai Seidman, an individual trading as M. Seidman, Pittsburgh, Pa., alleging shipment between the approximate dates of November 25, 1941, and June 22, 1943, from the State of Pennsylvania into the States of Ohio and Michigan of quantities of the above-named product. The article was labeled in part: (Bottles) "Effervescing Solution of Citrate of Magnesia. * * * Distributed by Superior Distributing Co. Pittsburgh, Pa."

Examination disclosed that the article contained approximately one-half as much syrup and, in the case of certain portions, two-thirds as much magnesium citrate, as provided by the United States Pharmacopoeia; and that various portions also contained sulfate in excess of the amount permitted by the Pharmacopoeia, and were not packaged in the manner prescribed therein.

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from and its quality fell below the standard set forth therein, and its difference in strength and quality from the standard was not stated plainly, or at all, on its labels.

Various portions of the article were alleged to be misbranded (1) in that the statement on its label, "Solution of Citrate of Magnesia Made of pure citric acid and carbonate of magnesia according to the U. S. Pharmacopoeia * * * U. S. P.," was false and misleading; (2) in that it was not packaged as prescribed in the Pharmacopoeia, since that compendium provides: "Dispense Solution of Magnesium Citrate in bottles containing not less than 340 cc. and not more than 360 cc., or in bottles containing not less than 195 cc. and not more than 205 cc.," whereas the article was contained in bottles containing less than 340 cc. and more than 205 cc.; (3) in that the statement "11 Ozs.," borne on the bottle labels, was false and misleading since a number of the bottles contained less than 11 ounces of the article; and (4) in that a number of the bottles failed to bear a label containing an accurate statement of the quantity of the contents.

On May 5, 1944, the defendant having entered a plea of guilty, the court imposed a fine of \$10 on each of 7 counts, a total fine of \$70 and costs.

1211. Adulteration and misbranding of zinc oxide ointment, ammoniated mercury ointment, and carbolic ointment. U. S. v. The Trade Laboratories, Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 11364. Sample Nos. 38279-F, 38602-F, 45450-F.)

On March 23, 1944, the United States attorney for the District of New Jersey filed an information against the Trade Laboratories, Inc., Newark, N. J., alleging shipment of quantities of the above-named products on or about February 13, April 7, and May 17, 1943, from the State of New Jersey into the States of Illinois and New York.

The zinc oxide ointment was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the standard set forth therein since the compendium provides that zinc oxide ointment shall contain not less than 18.5 percent and not more than 21.5 percent of zinc oxide, whereas portions of the article contained zinc oxide in amounts varying from 12.84 percent to 17.98 percent, and a portion of the article contained not less than 22.65 percent of zinc oxide, and its difference in strength from the standard was not plainly stated on its label. The article was alleged to be misbranded in that the statement "Zinc Oxide Ointment U. S. P.," appearing on its label, was false and misleading.

The ammoniated mercury ointment was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, but its strength differed from the standard set forth therein since the compendium provides that ammoniated mercury ointment shall contain an amount of ammoniated mercury corresponding to not more than 4.5 percent of Hg. (mercury), whereas the article contained ammoniated mercury corresponding to amounts of mercury varying from 8.32 percent to 8.39 percent, and its difference in strength from the standard was not plainly stated on its label. The article was alleged to be misbranded in that the statement "Ammoniated Mercury Ointment * * * U. S. P.," borne on its labels, was false and misleading.