United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 7801–7850.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 18, 1920.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

7891. Adulteration and misbranding of Pepso-Laxatone. U. S. * * * v. 132 Bottles * * * Pepso-Laxatone. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 11652, 11653. I. S. Nos. 2541–r, 2543–r. S. Nos. W–548, W–549.)

On December 22, 1919, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 132 bottles of Pepso-Laxatone, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about June 3, 1919, and October 14, 1919, by the Burlingame Chemical Co., Los Angeles, Calif., and transported from the State of California into the State of Colorado, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part as follows: "Pepso-Laxatone contains 14% Alcohol. A Digestant Laxative. Pepso-Laxatone is a solution of Pepsin, Diastase, Pancreatine combined with Lactic and Hydrochloric Acid, To which is added to each fluid ounce 60 grains of fluid extract of Cascara Sagrada * * *. An efficient combination of agents for the permanent relief of habitual Constipation, Gastric Disorders, and Indigestion."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted essentially of laxative plant extractives, licorice, glycerin, sugar, hydrochloric acid, volatile oils, alcohol, and water, with an amount of pepsin not over 0.01 gram per fluid ounce. Diastase and pancreatin were absent.

Adulteration of the article was alleged in substance in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold, since the drug was offered for sale under the professed standard and quality that it was a solution of pepsin, diastase, pancreatin, combined with lactic and hydrochloric acid, to which had been added to each

fluid ounce 60 grains of fluid extract of cascara sagrada, whereas, in fact, said drug contained no diastase, no pancreatin, and only a negligible quantity of pepsin.

Misbranding of the article was alleged for the reason that each of the bottles bore statements, regarding the ingredients and substances contained therein, which were false and misleading in that they represented that said product was a solution of pepsin, diastase, pancreatin, combined with lactic and hydrochloric acid, to which had been added to each fluid ounce 60 grains of fluid extract of cascara sagrada, whereas, in fact, said product contained no diastase, no pancreatin, and the quantity of pepsin was not more than 10 milligrams per fluid ounce. Misbranding was alleged for the further reason that the above-quoted statements falsely and fraudulently represented that the article was a treatment, remedy, and cure for habitual constipation, gastric disorders, and indigestion, whereas, in fact, said drug contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in said statements.

On January 21, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7802. Misbranding of olive oil and cottonseed salad oil. U. S. * * * v. Jay J. Gerber and Norman Gerber (R. Gerber & Co.). Plea of guilty. Fine, $60 and costs. (F. & D. No. 10758. I. S. Nos. 2704-r, 2708-r, 2709-r, 2710-r.)

On September 23, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jay J. Gerber and Norman Gerber (R. Gerber & Co.), Chicago, Ill., alleging the shipment by said defendants, on or about November 8, 1918, November 13, 1918, and January 27, 1919, in violattion of the Food and Drugs Act, as amended, from the State of Illinois into the State of New Mexico, of quantities of olive oil and cottonseed oil which were misbranded. The articles were labeled in part as follows: (Cans) "Ottimo Brand Virgin Olive Oil. Contents ½ Gal. Net" or "1 Gal. Net" or "¼ Gal. Net" "Importato Puro Importato Olio d'Oliva. Packed for R. Gerber and Co., Chicago, Ill.," and "½ Gal. Net" or "1 Gal. Net" "High Grade Winter Pressed Black Diamond Brand Cotton Seed Salad Oil. Packed by R. Gerber & Co., Chicago, Ill."

Examination of samples of the products made by the Bureau of Chemistry of this department showed that the cans were short volume.

Misbranding of the articles was alleged in substance in the information for the reason that the statements, "Contents ½ Gal. Net," "Contents ¼ Gal. Net," "Contents 1 Gal. Net," "½ Gal. Net," and "1 Gal. Net," borne on the labels attached to the cans containing the articles, were false and misleading and the articles were labeled so as to deceive and mislead the purchaser, in that said statements and labeling represented that each can thereof contained not less than 1 gallon, or ½ gallon, or ¼ gallon of the said articles, whereas, in fact and in truth, each of the said cans contained less than the amount stated. Misbranding of the articles was alleged for the further reason that they were food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages.

On March 23, 1920, a plea of guilty to the information was entered by the defendants, and the court imposed a fine of $60 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*