

15063. Misbranding of Depurativo Cacique. U. S. v. 213 Bottles of Depurativo Cacique. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21716. I. S. No. 14521-x. S. No. E-6013.)

On or about March 18, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 213 bottles of Depurativo Cacique, at Camuy, P. R., alleging that the article was being offered for sale in the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the article consisted essentially of mercuric chloride, potassium chloride, sodium sulphate, alcohol, and water, with sarsaparilla flavoring.

It was alleged in the libel that the article was misbranded, in that the following statements regarding the curative or therapeutic effects of the said article, borne on the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (carton and bottle, Spanish translated) "Depurative * * * Depurative For The Blood * * * for certain syphilitic and skin affections acute or chronic Rheumatism;" (circular, Spanish translated) "Depurative * * * for syphilis and all affections of the blood of syphilitic origin. Also for chronic ulcers, acute articular rheumatism, herpes and other skin affections due to impurity of the blood. This depurative has always given satisfactory results for diseases of the blood. It is only necessary to follow carefully a sure treatment and not interrupt it until the desired results are obtained."

On April 19, 1927, Francisco de Jesus, Camuy, P. R., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15064. Adulteration and misbranding of morphine sulphate tablets, morphine sulphate and strychnine sulphate tablets, tincture of opium (laudanum), and tincture of belladonna leaves. U. S. v. First Texas Chemical Manufacturing Co. Plea of *nole contendere*. Fine, \$200. (F. & D. No. 21564. I. S. Nos. 3978-x, 3980-x, 3981-x, 3987-x.)

On March 3, 1927, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the First Texas Chemical Mfg. Co., a corporation, Dallas, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about December 12, 1925, from the State of Texas into the State of Louisiana, of quantities of morphine sulphate tablets, morphine sulphate and strychnine sulphate tablets, tincture of opium (laudanum), and tincture of belladonna leaves, which were adulterated and misbranded. The articles were labeled variously: "Hypodermic Tablets Morphine Sulphate $\frac{1}{8}$ gr. Guaranteed by First Texas Chemical Mfg. Co., Dallas, Texas;" "Hypodermic Tablets Morphine and Strychnine * * * Morphine Sulphate $\frac{1}{4}$ gr. Strychnine Sulphate $\frac{1}{60}$ gr. First Texas Chemical Mfg. Co., Dallas, Texas;" "Tincture Opium, U. S. P. (Laudanum) * * * Opium, granulated 45.6 grs. in each fl. oz. * * * Manufactured by First Texas Chemical Mfg. Co., Dallas, Texas;" "Tincture Belladonna Lvs. U. S. P. * * * First Texas Chemical Mfg. Co.—Dallas, Texas."

Analysis by this department showed that a sample of the morphine sulphate tablets, labeled " $\frac{1}{8}$ gr.," contained $\frac{1}{9}$ grain of morphine sulphate per tablet, that a sample of morphine sulphate and strychnine sulphate tablets, labeled "morphine sulphate $\frac{1}{4}$ gr., strychnine sulphate $\frac{1}{60}$ gr.," contained $\frac{1}{6}$ grain and $\frac{1}{75}$ grain, respectively, that the tincture of opium yielded not more than 0.8484 gram of anhydrous morphine per 100 cc., which is 10 per cent below the minimum requirement of the Pharmacopœia, that the tincture of belladonna leaves yielded not less than 0.0421 gram of the alkaloids of belladonna leaves per 100 cc., which is 27 per cent in excess of the maximum requirement of the Pharmacopœia.

Adulteration of the morphine sulphate tablets and the morphine and strychnine sulphate tablets was alleged in substance in the information for the reason that their strength fell below the professed standard under which they were sold, in that the labels represented the said tablets to contain $\frac{1}{8}$ grain of morphine

sulphate, or $\frac{1}{4}$ grain of morphine sulphate and $\frac{1}{60}$ grain of strychnine sulphate, as the case might be, whereas each of a number of said tablets contained less of the products than represented by the label thereof.

Misbranding of the morphine sulphate tablets and the morphine and strychnine sulphate tablets was alleged for the reason that the statements, to wit, "Morphine Sulphate $\frac{1}{8}$ gr.," or "Morphine Sulphate $\frac{1}{4}$ gr.," and "Strychnine Sulphate $\frac{1}{60}$ gr.," as the case might be, borne on the labels of the respective articles, were false and misleading in that the said statements represented that each of said tablets contained the amount of the products declared on the label thereof, whereas each of a number of said tablets contained less than so declared.

Adulteration of the tincture of opium was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the article, in that it yielded not more than 0.8484 gram of anhydrous morphine per 100 mils, whereas the Pharmacopœia provided that 100 mils of tincture of opium should yield not less than 0.95 gram of anhydrous morphine, and the standard of strength of the article was not plainly stated on the container thereof. Adulteration of the tincture of opium was alleged for the further reason that its strength fell below the professed standard under which it was sold, in that each fluid ounce of the article was represented to contain 45.6 grains of opium, that is, 45.6 grains of granulated opium, whereas it did not, but did contain a less amount, namely, not more than 36.9 grains.

Misbranding of the said tincture of opium was alleged for the reason that the statements, to wit, "Tincture Opium U. S. P. (Laudanum)," and "Opium, granulated 45.6 grs. in each fl. oz.," borne on the label, were false and misleading in that the said statements represented that the article was tincture of opium (laudanum) as defined by the United States Pharmacopœia and that each fluid ounce contained 45.6 grains of opium, that is, 45.6 grains of granulated opium, whereas it was not tincture of opium as defined by said Pharmacopœia, in that it yielded not more than 0.8484 gram of anhydrous morphine per 100 mils, whereas said Pharmacopœia provided that 100 mils of tincture of opium should yield not less than 0.95 grain of anhydrous morphine, and each fluid ounce of the article did not contain 45.6 grains of opium, but did contain a less amount.

Adulteration of the tincture of belladonna leaves was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the article, in that the said article yielded not less than 0.0421 gram of the total alkaloids of belladonna leaves per 100 mils, whereas said Pharmacopœia provided that 100 mils of tincture of belladonna leaves should yield not more than 0.033 gram of the total alkaloids of belladonna leaves.

Misbranding of the tincture of belladonna leaves was alleged for the reason that the statement, to wit, "Tincture Belladonna Lvs. U. S. P.," borne on the label, was false and misleading in that the said statement represented that the article was tincture of belladonna leaves as defined by the United States Pharmacopœia, whereas it was not, in that it yielded more than 0.033 gram of the total alkaloids of belladonna leaves per 100 mils of the article, whereas said Pharmacopœia provided that tincture of belladonna leaves should yield not more than 0.033 gram of the total alkaloids of belladonna leaves.

On May 12, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

15065. Misbranding of The Life Saver. U. S. v. 20 Bottles of The Life Saver. Default order of destruction entered. (F. & D. No. 21668. I. S. No. 11119-x. S. No. W-2095.)

On or about March 4, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 bottles of The Life Saver, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by M. Arizpe, from San Antonio, Tex., on or about January 8, 1927,