

18454. Adulteration and misbranding of corrosive sublimate tablets, nitroglycerin tablets, pepsin and nux tablets, cinchophen tablets, and strychnine sulphate tablets. U. S. v. Elmira Drug & Chemical Co. Plea of guilty. Fine, \$300. (F. & D. No. 23726. I. S. Nos. 14746-x, 14747-x, 20305-x, 20306-x, 20307-x.)

Examination of the various drug tablets involved in the shipments herein described having shown that the corrosive sublimate tablets, the nitroglycerin tablets, and the cinchophen tablets contained smaller amounts of the respective agents than declared on the labels, that the pepsin and nux tablets contained less extract of nux vomica than labeled, and that the strychnine sulphate tablets contained more strychnine sulphate than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On June 24, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Elmira Drug & Chemical Co., a corporation, Elmira, N. Y., alleging shipment by said company, from the State of New York into the State of Pennsylvania, in violation of the food and drugs act, of quantities of corrosive sublimate tablets, nitroglycerin tablets, and pepsin and nux tablets shipped on or about March 8, 1928, and of quantities of cinchophen tablets and strychnine sulphate tablets shipped on or about March 17, 1928, which said products were adulterated and misbranded. The articles were contained in bottles labeled in part, variously: "Tablet * * * Corrosive Sublimate 1/100 Grain Elmira Drug & Chemical Co., Elmira, New York;" "Tablets Nitroglycerin. Each tablet represents 1/50 grains * * * Manufactured by The Elmira Drug & Chem. Co. Elmira, N. Y.;" "Tablets Pepsin & Nux * * * Ex Nux 1/10 gr. Plain. Elmira Drug & Chemical Co. Elmira, New York;" "Tablets Cinchophen 5 gr. Elmira Drug and Chemical Co. Elmira, New York;" "Tablets Strychnine Sulphate Each tablet represents 1/60 Grains * * * Elmira Drug & Chemical Company, Elmira, New York."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the said corrosive sublimate tablets was represented to contain 1/100 grain of corrosive sublimate, whereas each of said tablets contained not more than 0.00838 grain of mercuric chloride, i. e., 1/130 grain of corrosive sublimate. Each of the said nitroglycerin tablets was represented to contain 1/50 grain of nitroglycerin, whereas each of said tablets contained not more than 0.00261 grain, i. e., 1/383 grain of nitroglycerin. Each of the pepsin and nux tablets was represented to contain 1/10 grain of extract of nux vomica, whereas each of the said tablets contained not more than 0.076 grain, i. e., 1/13 grain of extract of nux vomica. Each of the cinchophen tablets was represented to contain 5 grains of cinchophen, whereas each of said tablets contained not more than 4.409 grains of cinchophen. Each of the strychnine sulphate tablets was represented to contain 1/60 grain of strychnine sulphate, whereas each of the said tablets contained more than so represented, namely, not less than 0.0201, i. e., about 1/50 grain of strychnine sulphate.

Misbranding was alleged for the reason that the following statements, to wit, "Tablets * * * Corrosive Sublimate 1/100 grain," with respect to the corrosive sublimate tablets, "Each tablet represents 1/50 grain," with respect to the nitroglycerin tablets, "Tablets * * * Ex Nux 1/10," with respect to the pepsin and nux tablets, "Tablets Cinchophen 5 gr.," with respect to the cinchophen tablets, and "Strychnine Sulphate, Each tablet represents 1/60 grains," with respect to the strychnine sulphate tablets, borne on the labels, were false and misleading in that the said statements represented that the tablets each contained the amount of corrosive sublimate, nitroglycerin, nux vomica, cinchophen, or strychnine sulphate (as the case might be), declared on the label, whereas the said tablets, with the exception of the strychnine sulphate tablets, contained less than so declared, and the strychnine sulphate tablets contained more strychnine sulphate than declared.

On May 26, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18455. Misbranding of Pyro Sana tooth paste. U. S. v. 12 Dozen Tubes of Pyro Sana Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25799. I. S. No. 8479. S. No. 4030.)

Examination of Pyro Sana tooth paste, from the shipment herein described, having shown that the carton and tube labels and accompanying circular bore

statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On January 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 12 dozen tubes of Pyro Sana tooth paste at San Antonio, Tex., alleging that the article had been shipped by the Alhosan Chemical Co., from St. Louis, Mo., on or about March 22, 1930, and had been transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, a small proportion of creosote, and glycerin.

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, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and tube) "Prevents Pyorrhoea, Preserves the Gums. * * * A proven medicinal agent in checking and controlling Pyorrhoea, relieving and preventing soft bleeding gums, preventing receding gums, making them hard and firm. * * * A Healthy Mouth is a Good Foundation;" (circular) "Pyro Sana Toothpaste will check pyorrhoea, make the gums hard and firm, relieve and prevent soft, bleeding gums and maintain a vigorous and healthy mouth."

On March 13, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18456. Misbranding of Faucine. U. S. v. 30 Bottles of Faucine. Default decree of condemnation and destruction. (F. & D. No. 26072. I. S. No. 6811. S. No. 4320.)

Examination of a drug product, known as Faucine, from the shipment herein described having shown that the bottle label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, also that it was represented to be an antiseptic, whereas it was not antiseptic when used according to directions, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Louisiana.

On April 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Faucine, remaining in the original unbroken packages in Calcasieu Parish, La., opposite Orange, Tex., alleging that the article had been shipped by the Faucine Co., Meridian, Miss., on or about September 23, 1930, and had been transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ferric sulphate, aluminum sulphate, magnesium sulphate, a small proportion of sulphuric acid, a trace of calcium sulphate, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "An an antiseptic * * * Directions * * * Use as a gargle every two or three hours; dilute one-half * * * is useful in the treatment of certain forms of Stomach Disorders, Pellagra, Indigestion, Atonic Dyspepsia, Impoverished Blood, Diarrhoea, and Malaria Anemia, * * * it is valuable in treating Sore Throat, Old Sores * * * Eczema, Piles, Catarrh and non-specific inflammatory conditions of the mucous membranes. * * * Directions * * * For Sore Throat, use as a gargle every two or three hours; dilute one-half. * * * For Diarrhoea and Flux, * * * For Pellagra, * * * For Piles * * * If bleeding or Blind Piles * * * For Nasal Catarrh, * * * For Eczema and Itch, * * * For Old Sores, * * * for a very bad case of Gastritis of the stomach and indigestion, * * * Some time ago, a small sore appeared on the side of my face and its appearance was accompanied by