

factured by O-Quaka Medicine Co. Sigler Drug Co., Distributors, Springfield, Mo.”

Analysis of a sample of the article by this Department showed that it consisted of magnesium sulphate (Epsom salt) (12.5 grams per 100 milliliters), extracts of plant drugs including laxative drugs, and water, sweetened with saccharin and preserved with a benzoate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle label) “For the Kidney, Liver, Stomach and Blood Recommended for Indigestion, Rheumatism, \* \* \* Impure Blood, Weak Men and Women, Lame and Painful Back \* \* \* Eat or drink anything you wish. \* \* \* If you suffer with any disease, acute or chronic, give this \* \* \* remedy a \* \* \* trial. \* \* \* The Great Liver, Kidney, Stomach and Blood Remedy.”

This Department recommended that a charge be included in the libel that certain statements appearing in the labeling were false and misleading. The libel, however, charged that the said statements, which are set out below, were false and fraudulent: (Bottle label) “Which is given us by the God of Nature. \* \* \* Contains Mayapple, Poke and Sarsaparilla Roots, Prickly Ash, Wild Cherry, Cascara and Sassafras Bark, and Damianna, Buchu and Senna. \* \* \* Indian Remedy”; (shipping container) “Indian Herb Tonic.”

On January 10, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20394. Adulteration and misbranding of Vin: Iodine Comp., cinchophen tablets, Acetphenine tablets, quinine sulphate tablets, Bis-Ma-Cal tablets, Salacephen tablets, acetanilid compound tablets, salol capsules, sodium salicylate tablets, Kalmolax tablets, salol and phenacetin tablets, and grippe tablets. U.S. v. Llewellyn Laboratories, Inc. Plea of guilty. Fine, \$150. (F. & D. no. 27570. I.S. nos. 26446, 29826, 29827, 29828, 29862, 29863, 29864, 29865, 29866, 29867, 29869, 29872, 29873.)**

This case involved a shipment of a liquid drug preparation known as Vin: Iodine Comp. and of various pharmaceuticals in tablet or capsule form. The Vin: Iodine Comp. was represented to contain phosphorus and bromine, whereas it contained no free bromine and no free phosphorus; it also contained less iodine than declared; and more alcohol than declared on the carton and circular. The tablets were found to contain a smaller amount of one or more of the essential drugs than labeled; the acetanilid compound tablets were not only deficient in acetanilid but contained citrated caffeine in excess of the declared amount. The labels of the Vin: Iodine Comp. and the grippe tablets also bore unwarranted therapeutic claims.

On August 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Llewellyn Laboratories, Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on November 19, 1930, and March 4, 1931, from the State of Pennsylvania into the State of Ohio, of a quantity of Vin: Iodine Comp.; and on or about March 4, March 18, March 30, and April 13, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of drug tablets, which said products were adulterated and misbranded. The Vin: Iodine Comp. was labeled in part: (Bottle) “Vin: Iodine Comp. Contains 35% Alcohol Phosphorus, Iodine and Bromine”; (carton) “Contains 15% Alcohol Phosphorus, Iodine and Bromide”; (circular) “Iodine gr.  $\frac{1}{8}$ , Bromine gr.  $\frac{1}{8}$ , Phosphorus gr.  $\frac{1}{100}$  in each fluid-drachm.” The tablets were labeled in part: “Cinchophen 5 Grs.”; “Acetphenine Acetphenetidin  $1\frac{1}{2}$  grs., Acetylsalicylic Acid 3 grs. Caffeine  $\frac{1}{2}$  gr.”; “Quinine Sulph. 2 gr.”; “Bis-Ma-Cal Magnesium Carb. 2 gr., Bismuth Subnit.  $\frac{1}{2}$  gr., Calcium Carb.  $3\frac{1}{2}$  gr.”; “Salacephen \* \* \* Acetphenetidin 2 grs.”; “Acetanilid Comp. \* \* \* Acetanilid 2 grs., Citrated Caffeine  $\frac{1}{2}$  gr.”; “Salol 5 grs.”; “Sodium Salicylate 5 Grs.”; “Kalmolax Each tablet contains \* \* \*  $\frac{1}{4}$  gr. Phenolphthalein”; “Salol and Phenacetine Salol  $2\frac{1}{2}$  grs., Phenacetine  $2\frac{1}{2}$  grs.”; “Grippe Acetanilid  $1\frac{1}{2}$  grs., Quinine Sulph.  $\frac{1}{2}$  gr.” The articles were further labeled: “Llewellyn Laboratories, Inc. [or “Llewellyn Inc.”] Philadelphia.”

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, in the following respects:

The Vin: Iodine Comp. was represented to contain phosphorus and bromine, it was represented to contain  $\frac{1}{6}$  grain of iodine,  $\frac{1}{6}$  grain of bromine, and  $\frac{1}{100}$  grain of phosphorus in each fluidrachm, whereas it contained not more than 0.0414 (approximately  $\frac{1}{24}$  grain) of iodine per fluidrachm, and contained no free bromine and no free phosphorus.

The cinchophen tablets were represented to contain in each 5 grains of cinchophen, whereas each tablet contained not more than 3.88 grains of cinchophen.

The Acetphenine tablets were represented to contain in each 3 grains of acetylsalicylic acid and  $\frac{1}{2}$  grain of caffeine, whereas the said tablets each contained less than 3 grains of acetylsalicylic acid, the two lots containing not more than 2.388 grains and 2.598 grains respectively, per tablet, and one lot contained less caffeine than represented, namely, not more than 0.413 grain of caffeine per tablet.

The quinine sulphate tablets were represented to contain in each 2 grains of quinine sulphate, whereas each tablet contained not more than 1.473 grains of quinine sulphate.

The Bis-Ma-Cal tablets were represented to contain in each 2 grains of magnesium carbonate,  $\frac{1}{2}$  grain of bismuth subnitrate, and  $3\frac{1}{2}$  grains of calcium carbonate, whereas each of said tablets contained not more than 1.609 grains of magnesium carbonate, not more than 0.383 grain of bismuth subnitrate, and not more than 2.607 grains of calcium carbonate.

The Salacephen tablets were represented to contain in each 2 grains of acetphenetidin, whereas each of said tablets contained not more than 1.687 grains of acetphenetidin.

The acetanilid compound tablets were represented to contain in each 2 grains of acetanilid and  $\frac{1}{2}$  grain of citrated caffeine, whereas each of said tablets contained less acetanilid and more citrated caffeine, than represented, namely, not more than 1.605 grains of acetanilid and not less than 0.65 grain of citrated caffeine.

The salol capsules were represented to contain in each 5 grains of salol, whereas each capsule contained not more than 3.925 grains of salol.

The sodium salicylate tablets were represented to contain in each 5 grains of sodium salicylate, whereas each tablet contained not more than 3.939 grains of sodium salicylate.

The Kalmolax tablets were represented to contain in each  $\frac{1}{4}$  grain of phenolphthalein, whereas each of said tablets contained not more than 0.221 grain of phenolphthalein.

The salol and phenacetin tablets were represented to contain in each  $2\frac{1}{2}$  grains of salol and  $2\frac{1}{2}$  grains of phenacetin, whereas each tablet contained not more than 2.137 grains of salol and not more than 2.144 grains of phenacetin.

The grippe tablets were represented to contain in each  $1\frac{1}{2}$  grains of acetanilid and  $\frac{1}{2}$  grain of quinine sulphate, whereas each tablet contained not more than 1.01 grains of acetanilid and not more than 0.432 grain of quinine sulphate.

Misbranding of the said Vin: Iodine Comp. was alleged for the reason that the statements, "Contains \* \* \* Phosphorus \* \* \* and Bromine" on the bottle label, the statement "Contains 15% Alcohol Phosphorus," borne on the carton, and the statements "Iodine gr.  $\frac{1}{6}$ , Bromine gr.  $\frac{1}{6}$ , Phosphorus gr.  $\frac{1}{100}$  in each fluidrachm contains 15% Alcohol", appearing in the circular, were false and misleading, since the article contained more than 15 percent of alcohol, it contained less than  $\frac{1}{6}$  grain of iodine in each fluidrachm and contained no free phosphorus and no free bromine. Misbranding of the Vin: Iodine Comp. was alleged for the further reason that the carton failed to bear a statement of the quantity or proportion of alcohol contained in the article, since the statement appearing on the carton was incorrect.

Misbranding of the remaining products was alleged for the reason that the statements (cinchophen tablets) "Cinchophen 5 Grs.", (both lots of Acetphenine tablets) "Acetylsalicylic Acid 3 grs. \* \* \* Tablet", (portion of said Acetphenine tablets) "Caffeine  $\frac{1}{2}$  gr.", (quinine sulphate tablets) "Quinine Sulph. 2 gr.", (Bis-Ma-Cal tablets) "Magnesium Carb. 2 gr. Bismuth Subnit.  $\frac{1}{2}$  gr. Calcium Carb.  $3\frac{1}{2}$  gr.", (salacephen tablets) "Acetphenetidin 2 grs.", (acetanilid compound tablets) "Acetanilid 2 grs. Citrated Caffeine  $\frac{1}{2}$  gr.", (salol tablets) "Salol 5 grs.", (sodium salicylate tablets) "Sodium Salicylate 5 grs.", (Kalmolax tablets) "Each tablet contains \* \* \*  $\frac{1}{4}$  gr. Phenolphthalein", (salol

and phenacetin tablets) "Salol 2½ grs. Phenacetine 2½ grs.", and (grippe tablets) "Acetanilid 1½ grs. Quinine Sulph. ½ gr.", were false and misleading.

It was further alleged that the said Vin: Iodine Comp. was misbranded in that certain statements appearing in the circular shipped with the article falsely and fraudulently represented that it was effective as an active and satisfactory remedy for rickets in children and kindred conditions; and that the said grippe tablets were misbranded in that certain statements appearing on the bottle label falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for grippe.

On December 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20395. Misbranding of Klinodento tooth paste. U.S. v. 60 Dozen Large Packages, et al., of Klinodento Tooth Paste. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 28599. Sample no. 7835-A.)**

Examination of samples of Klinodento tooth paste disclosed that the article contained no ingredient or combination of ingredients capable of producing certain therapeutic effects claimed in the labeling. It was also represented that the article contained magnesium peroxide, whereas it contained no magnesium peroxide.

On August 12, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 dozen large packages and 75 dozen small packages of Klinodento tooth paste, alleging that the article had been shipped on or about May 9, 1932, by the New England Collapsible Tube Co., from New London, Conn., to San Juan, P.R.; that the article was being sold and offered for sale in Puerto Rico by the Drug Company of Puerto Rico, Inc., at San Juan, P.R.; and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: "Crema Dental Klinodento The North American Co., Inc. Laboratories, New London, Conn."

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium hydrate and calcium carbonate in paste form, flavored with anise oil. No magnesium peroxide was present.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, were false and misleading: (Carton and tube) "The Dental Cream Klinodento contains Magnesium Peroxide \* \* \* due to the virtue of the oxygen that said preparation develops"; (circular) "1. It contains peroxide of magnesia which develops a large quantity of oxygen when in the mouth. This oxygen acts immediately on the bacteria, leaving them immune, that is to say, inactive and reduced to impotency for a long period of time. 2. The peroxide of magnesia is soluble only in a minimum of 15,000 parts of water, almost insoluble, therefore, it is not diluted and rapidly eliminated by the saliva but remains 'as such' between the interstices of the teeth, continually exercising its beneficent action. \* \* \* The more is used, the greater quantity of oxygen it will develop in the mouth." Misbranding was alleged for the further reason that the following statements appearing in the labeling, were false and fraudulent: (Carton and tube) "Immunizes the bacteria (causer of the caries and the pyorrhea alveolar) \* \* \* your gums will stop bleeding, suppurating, aching and smelling bad. In this way you will avoid the two greatest enemies of the teeth: the Caries and Pyorrhea Alveolar"; (circular) "Immunizes the bacteria, removing their destructive power. Prevents caries, \* \* \* Excellent for the diseased and aching gums. Prevents the terrible disease 'alveolar pyorrhea'. Assists the dentist in combating this disease. \* \* \* 6. It is highly efficacious in the prevention of alveolar pyorrhea, not permitting this terrible and devastating disease to invade the gums and alveoli. 7. It is marvelously efficacious in the assistance it gives to the dentist during and after the treatment of alveolar pyorrhea. 8. It is prepared especially for combating excessive caries in the teeth of persons living in tropical countries, a disease which constitutes a real plague which is increasing every day and doing more damage."

On November 21, 1932, the North American Hygienic Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and