

20747. Misbranding of Veronica water. U. S. v. 20 Cases of Veronica Water. Product adjudged misbranded and ordered released under bond to be relabeled. (F. & D. no. 27925. I. S. no. 47299. S. no. 5967.)

Examination of the mineral water involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 18, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 20 cases of Veronica water at Cincinnati, Ohio, consigned by the Veronica Mineral Springs Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce, from Chicago, Ill., into the State of Ohio, on or about July 31, 1931, and January 28, 1932, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of a sample of the article by this Department showed that it consisted essentially of a mineral water containing Epsom salt and other salts commonly found in ground water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the label, were false and fraudulent: (Bottle) "The Water Way to Health"
 * * * Stomach and Bowel Disorders Traceable to Faulty Elimination. It is very beneficial in Liver and Kidney Troubles. * * * In obstinate cases take hot until satisfactory elimination is obtained, * * * until system is thoroughly cleansed, * * * until it is no longer needed. * * * Veronica Water enjoys the endorsement of physicians of recognized standing throughout the country. * * * It neutralizes the acids of the stomach and expels the gas."

On June 17, 1932, the Shasta Water Co., having filed a claim for the property, admitting the allegations of the libel and consenting to the entry of a decree of condemnation, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

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

20748. Adulteration and misbranding of capsules: phenyl salicylate, salol, and acetphenetid; sodium salicylate; sedative; cinchophen; Cystitans; Mixed Treatment; Bland modified; Asthmans; Dalgerine, formin compound; calomel compound; luminal (phenobarbital); and Rheumatans. U. S. v. The Philadelphia Capsule Co., Inc., and Joseph McManus. Plea of nolo contendere. Judgment of guilty. Philadelphia Capsule Co. fined \$100; Joseph McManus fined \$50. (F. & D. no. 28142. I. S. nos. 29831 to 29835, incl., 29838, 29840, 29842 to 29848, incl.)

This case was based on the interstate shipment of various drugs in capsule form, which analyses showed contained one or more of the essential drugs in amounts varying materially from the labeled content. Investigation further disclosed that the labels of certain of the products bore unwarranted curative and therapeutic claims.

On January 9, 1933, 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 an information against the Philadelphia Capsule Co., a corporation, and Joseph McManus, of Philadelphia, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 14 and April 16, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of drugs that were adulterated and misbranded.

The information charged that all the products were adulterated in that they fell below the professed standard and quality under which they were sold; that they were misbranded because certain statements in the labels purporting to show the amount of the essential drugs contained in the products, were false and misleading; and in the case of certain of the products that they bore statements on the labels, regarding their curative and therapeutic effects, that were false and fraudulent.

The products involved in the shipments consisted of the following: One lot of capsules, labeled "Phenyl Salicylate, 5 Grains", contained not more than 3.981 grains each of the drug, and were falsely and fraudulently represented to be effective as an intestinal antiseptic that would render the urine

sterile; effective as a remedy for chronic inflammation of the bladder; and effective to check fermentation and flatulence and to arrest putrefactive changes in intestinal disorders.

One lot, labeled in part "Each Capsule Represents * * * Acetphenetidⁿ 2½ Grs.", contained more than 2½ grains of acetphenetidⁿ, namely, not less than 3.13 grains; and were falsely and fraudulently represented to be effective as a treatment for reflex neuralgic and rheumatic pains, and for the febrile stage of influenza, intercostal neuralgia, and migraine due to intestinal fermentation, and effective as a treatment in acute attacks of tonsillitis.

One lot of capsules, labeled "Sodium Salicylate—5 Grains", contained not more than 4.462 grains each of sodium salicylate.

One lot, labeled in part "Capsules Sedative represents Ammonium Bromide 2½ Gr.", contained not more than 2.267 grains each of ammonium bromide; and were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for nervousness and insomnia due to overwork or worry, sexual excess, epilepsy, and delirium.

One lot, labeled "Capsules Cinchophen U. S. P. 5 and 7½ Grs.", contained not more than 3.507 grains each of cinchophen; and were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for acute or chronic gout, rheumatism, neuralgia, and all conditions due to abnormal uric acid metabolism, and effective to neutralize uric acid and prevent formation of insoluble urates.

One lot, labeled "Capsules Cystitans Represents Formin 2 Gr.", contained not more than 1.528 grains of formin; and were falsely and fraudulently represented to be effective as a treatment for cystitis and chronic diseases of the genito-urinary tract; effective as an antiseptic; effective as a treatment for calculous affections, acute and chronic cystitis, prostatic irritation, the enuresis of old men, vesical catarrh, nonspecific urethritis, irritable bladder, phosphatic deposits, alkaline fermentation in the bladder, vesical tenesmus, and the sequelae of gonorrhoea.

One lot, labeled "Capsules Mixed Treatment Represents Potassium Iodide 2 Grs.", contained not more than 1.038 grains each of potassium iodide; and were falsely and fraudulently represented to be effective as a treatment for secondary syphilis; effective for the treatment of syphilis in the tertiary stage; effective for the treatment of syphilitic ulcer, syphiloma of the nervous system, syphilitic, visceral, and skin lesions, and many other manifestations of the disease.

One lot, labeled "Capsules Blaud Modified Represents * * * Arsenous Acid 1-50 gr.", contained not more than 0.0153 (1-65) grain each of arsenous acid; and were falsely and fraudulently represented to be effective as a treatment for debility following fever or exhausting diseases; and effective as a treatment for anaemia, neurasthenia, and neuralgias dependent upon debilitated conditions.

One lot, labeled "Capsules Asthmans Represents * * * Cal. Iodide ¼ gr. * * * Caff Cit ½ gr.", contained not more than 0.0362 grain, i.e., 1/28 of a grain each of calcium iodide, and not more than 0.0476 grain, i.e., 1/21 grain each of caffeine citrate; and were falsely and fraudulently represented to be effective as a treatment for the trouble characterized by want of breath, acute and chronic asthma, whooping cough, croup, and chronic bronchitis with asthmatic breathing.

One lot, labeled "Capsules Dalgerine Represents Aspirin 2 gr. Acetphenetidⁿ 2 gr.", contained not more than 1.386 grains each of aspirin, and contained not more than 1.419 grains each of acetphenetidⁿ; and were falsely and fraudulently represented to be effective as a treatment for gastralgia, la grippe, and nervous coughs, effective as an exceedingly valuable antirheumatic, effective as efficient in all conditions associated with pain, and effective to act without producing mental excitement or exhilaration.

One lot of capsules, labeled "Formin Comp. Represents * * * Soda Benzoate 3 gr." contained not more than 2.169 grains each of sodium benzoate; and were falsely and fraudulently represented to affect favorably the entire urinary tract from the glomeruli of the kidneys to the meatus of the urethra; and effective as a treatment for pyelitis, pyelonephrosis, cystitis, prostatitis, or gonorrhoea.

One lot, labeled "Capsules Calomel Comp. Represents Calomel 2 Grs. Mass Mercury 2 Grs.", contained less than 2 grains of calomel each and less than 2 grains of mass mercury; and were falsely and fraudulently represented to be

effective as a treatment of especial value in hepatic torpor, and effective to relieve dropsical effusions.

One lot, labeled "Capsules Luminol 1 Gr. (Phenobarbital U. S. P.)", contained not more than 0.886 grain each of luminal, i.e., phenobarbital U. S. P.

One lot, labeled "Capsules Rheumatans Represent Strontium Salicylate 5 grs.", contained not more than 3.639 grains each of strontium salicylate; and were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for rheumatism and gout; effective to allay the gastric irritability and to promptly relieve the pain and fever, effective to improve digestion and correct and prevent fermentation and flatulence, effective as a very valuable remedy in muscular and subacute rheumatism and gouty conditions with a tendency to disgestive disturbances, and effective as an intestinal antiseptic.

On March 20, 1933, a plea of nolo contendere to the information was entered and the court pronounced judgment, finding the defendants guilty and ordering that the Philadelphia Capsule Co. pay a fine of \$100, and that Joseph McManus pay a fine of \$50.

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

20749. Adulteration and misbranding of fluidextract of ginger. U. S. v. Leo Elbaum. Plea of guilty. Fine, \$100. (F. & D. no. 26585. I. S. no. 026453.)

This case was based on the interstate shipment of a quantity of fluidextract of ginger represented to be of pharmacopoeial standard and that contained very much less ginger extractive and a smaller proportion of alcohol than required by the United States Pharmacopoeia. The label of the article bore unwarranted curative and therapeutic claims.

On December 3, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Leo Elbaum, Dorchester, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 24, 1930, from the State of Massachusetts into the State of Rhode Island, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: "Fluid Extract of Ginger U. S. P. Alcohol Approximately 85% by volume."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of the investigation, since it contained 63.4 percent by volume of alcohol and contained not more than 0.744 gram per 100 cubic centimeters of soluble material; whereas the pharmacopoeia provided that fluidextract of ginger should contain not less than 78 percent by volume of alcohol and should contain soluble material approximating 4 grams per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement, "Fluid Extract of Ginger U. S. P. Alcohol * * * 85% by volume", borne on the bottle label, was false and misleading, since the article was not fluidextract of ginger that conformed to the standard laid down in the United States Pharmacopoeia, and contained less than 85 percent by volume of alcohol. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein, since the statement made was incorrect. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the label, falsely and fraudulently represented that it was effective as a family medicine for the relief of cramps and diarrhoea.

On December 28, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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