

30979. Adulteration and misbranding of Acetodyne Tablets. U. S. v. Glens Falls Pharmacal Co., Inc., and Frederick T. Comstock. Pleas of guilty. Corporation fined \$75; individual defendant fined \$25. (F. & D. No. 42683. Sample No. 30236-D.)

This product was represented to contain 2 grains of acetophenetidin per tablet, whereas it contained no acetophenetidin. It did, however, contain acetanilid which was not declared on the label.

On October 16, 1939, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glens Falls Pharmacal Co., Inc., and Frederick T. Comstock, an officer of the said corporation, alleging shipment by them on or about July 2, 1938, from the State of New York into the State of Pennsylvania of a quantity of Acetodyne Tablets that were adulterated and misbranded.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each of the tablets was represented to contain 2 grains of acetophenetidin; whereas the tablets contained no acetophenetidin but did contain 1.91 grains of acetanilid, a drug product from which acetophenetidin is derived.

It was alleged to be misbranded in that the statement "Acetphenetidin 2 gr.," borne on the bottle label, was false and misleading in that the statement represented that the tablets contained 2 grains of acetophenetidin; whereas the tablets contained no acetophenetidin but did contain 1.91 grains of acetanilid. It was alleged to be misbranded further in that it contained acetanilid and the label on the package failed to bear a statement of the quantity or proportion of acetanilid that it contained.

On December 2, 1939, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$75 against the Glens Falls Pharmacal Co., Inc., and a fine of \$25 against Frederick T. Comstock.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30980. Adulteration and misbranding of cod-liver oil. U. S. v. 186 Bottles of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. No. 45467. Sample No. 39911-D.)

This product was represented to contain 150 U. S. P. units of vitamin D per gram, whereas it contained not more than 110 U. S. P. units of vitamin D per gram.

On June 8, 1939, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed a libel against 186 bottles of cod liver oil at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about January 18 and October 13, 1938, by McKesson & Robbins, Inc. (Blumauer-Frank Division) from Portland, Oreg.; and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Purola Guaranteed Quality Norwegian Cod Liver Oil * * * (Blumauer-Frank Drug Company) Portland, Oregon."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "150 vitamin 'D' units U. S. P. X 1934 Per Gram," since it contained less than 150 such units of vitamin D per gram.

It was alleged to be misbranded in that the statement on the label, "Biologically Tested Standardized Certified Content * * * 150 Vitamin 'D' units U. S. P. X 1934 Per Gram," was false and misleading as applied to the article since it contained less than 150 U. S. P. units of vitamin D per gram.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was entered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30981. Adulteration and misbranding of Ethacaine. U. S. v. Seydel Chemical Co. and Herman Seydel. Pleas of guilty. Total fines, \$100. (F. & D. No. 42619. Sample No. 12424-D.)

This product did not possess the antiseptic properties claimed and was not of the composition indicated by its labeling. The labeling also bore false and fraudulent curative and therapeutic claims.

On March 2, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Seydel Chemical Co., a corporation, Jersey City, N. J., and Herman Seydel, an officer of the corporation, alleging shipment by

said defendants on or about March 15, 1938, from the State of New Jersey into the State of New York, of a quantity of Ethacaine which was adulterated and misbranded.

Analysis showed that the article consisted essentially of a mixture of benzoic acid and benzocaine incorporated in a petrolatum base, with oxyquinoline present. Bacteriological examination showed that it was not an antiseptic when used as directed.

The article was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold since it was represented to be an antiseptic, whereas it was not an antiseptic.

Misbranding was alleged in that the following statements in the labeling, (circular) "Having Powerful Antiseptic Properties * * * powerful antiseptic effect, An ointment exhibiting * * * characteristics of antiseptics * * * In Ethacaine, 'Seydel' these * * * therapeutic effects are natural properties of the drug, therefore the addition of irritating antiseptics, such as phenol, bi-chloride, * * * is obviated. * * * the bactericidal effect * * * The antiseptic action of Ethacaine is of extreme value * * * antiseptic action is desired. Ethacaine, 'Seydel' applied to agar plates innoculated with staphylococcus aureus and incubated for 24 hours, shows wide inhibitory zone indicating good diffusion and marked antiseptic action. Ethacaine Ointment, 'Seydel' applied to agar plates innoculated with staphylococcus aureus and incubated for 24 hours, also shows wide inhibitory zone indicating good diffusion and marked antiseptic action," and (carton and tube) "Antiseptic," were false and misleading since the said statements represented that the article was antiseptic; whereas it was not an antiseptic. It was alleged to be misbranded further in that the statement, "Ethacaine * * * it is a benzoyl compound chemically described as benzoyl-para-amino-ethyl-phenyl-carboxylate, which of itself is antiseptic," appearing in the circular, was misleading in that the article did not consist of the chemical compound indicated by the said statement but did consist essentially of a mixture of benzoic acid, benzocaine, and petrolatum. It was alleged to be misbranded further in that certain statements regarding its therapeutic and curative effects, borne on the tube and carton labels and in the circular, falsely and fraudulently represented that it was effective for the treatment of ulcers, skin eruptions, and dermatological conditions; and for the relief of pain in ulcers; effective as a treatment, remedy, and cure for ulcers and superficial carcinomata; effective to ease the pain, assist in keeping the ulcer clean, and promote healthy cell growth; effective for the relief of itching of eczema and to cause better and quicker healing of the lesions; and effective as an antiseptic in preoperative and postoperative treatment.

On January 26, 1940, pleas of guilty were entered on behalf of defendants and the court imposed a fine of \$50 against each.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30982. Adulteration and misbranding of sutures. U. S. v. 60 Cartons of Sutures. Default decree of condemnation and destruction. (F. & D. No. 44986. Sample Nos. 36566-D, 36567-D, 36568-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms.

On or about March 24, 1939, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed a libel against 60 cartons of sutures at Halstead, Kans.; alleging that the article had been shipped in various shipments on or about January 10, 16, and 31, 1939, by the Laboratory of the Ramsey County Medical Society from St. Paul, Minn.; and charging that it was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold in that it was labeled "Pyoktanin Catgut," which implied that it was a sterile article; whereas it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statements, "Plain Pyoktanin Catgut * * * Directions: Tear the envelope and drop the contents into a sterile solution; soak the strand before application to make it pliable and to prevent breaking at the knot," were false and misleading since they created the impression that the article was sterile catgut suitable for surgical use; whereas it was not sterile and was not suitable for surgical use.