

formation against Joseph D. Wiener, Dr. Victor R. Marburger, and Charles G. Lane, copartners trading as the Neutro-Plasm Foundation, Detroit, Mich., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about May 29, 1937, from the State of Michigan into the State of Illinois, of a quantity of Neutro-Plasm which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including a bitter drug, a laxative drug, alcohol, and water.

Misbranding was alleged in that the statements, (circular) "Neutro-Plasm Saprophyte in Amara Media" and "A non-toxic saprophyte," and (bottle) "Neutro-Plasm," were false and misleading in that the said statements represented that the article contained viable saprophytes, namely, organisms that live upon dead organic material and that it was a protoplasmic substance; whereas it did not contain viable saprophytes since it was sterile and it was not a protoplasmic substance. It was alleged to be misbranded further in that statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective to attack and destroy dead or abnormal tissue or organisms; effective in preventing bacterial invasion and in neutralizing toxic accumulations; effective to inhibit the development of abnormal cellular structure or degeneration by aiding in the restoration of normal function; effective to check the development or spread of various forms of carcinoma, sarcoma, and epithelioma, and to correct such condition and restore the patient to a normal condition; and effective as a treatment for open ulceration.

On January 19, 1940, pleas of nolo contendere having been entered, the court imposed a fine of \$400 on the firm.

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

**30992. Adulteration and misbranding of Ointment Belladonna, Ointment Ophthalmic Holocaine and Epinephrine, and Ointment Ophthalmic Argemone. U. S. v. The National Drug Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 42759. Sample Nos. 28873-D, 53272-D, 53277-D.)**

The Ointment Belladonna contained a smaller amount of the alkaloids of belladonna leaf than that required by the U. S. Pharmacopoeia; the Ointment Ophthalmic Holocaine and Epinephrine contained less phenacaine hydrochloride than indicated by the labeling; and the Ointment Ophthalmic Argemone contained a smaller percentage of silver than that indicated in the labeling.

On October 18, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Drug Co., a corporation, Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act on or about October 15 and 26 and November 8, 1938, from the State of Pennsylvania into the States of South Carolina and Missouri, of quantities of the above-named drugs that were adulterated and misbranded.

The Ointment Belladonna was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein since it contained not more than 0.082 percent of the alkaloids of belladonna leaf; whereas the pharmacopoeia provides that belladonna ointment shall yield not less than 0.118 percent of the alkaloids of belladonna leaf and the standard of strength, quality, and purity of the article was not declared on its container. It was alleged to be adulterated further in that its strength fell below the professed standard and quality under which it was sold since it was represented to contain 10 percent of pilular extract of belladonna; whereas it contained not more than 8.2 percent of pilular extract of belladonna. It was alleged to be misbranded in that the statement on the label "Ointment Belladonna U. S. P. XI" was false and misleading since the article did not conform to the standard laid down in the United States Pharmacopoeia eleventh revision.

The Ointment Ophthalmic Holocaine and Epinephrine was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that it was labeled "Holocaine (1½ per cent)," which label represented that the article contained 1.5 percent of phenacaine hydrochloride (Holocaine is a trade name for the chemical product phenacaine hydrochloride), whereas the article contained not more than 1.05 percent of phenacaine hydrochloride. It was alleged to be misbranded in that the statement "Holocaine (1½ per cent)" was false and misleading since "Holocaine" is a

trade name for the chemical product phenacaine hydrochloride, and the article contained less than 1½ percent of phenacaine hydrochloride.

The Ointment Ophthalmic Argeñoid was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since it was labeled "10 Per Cent (Mild Silver Protein)" which label represented that the article contained 10 percent of the amount of silver which is contained in mild silver protein as defined in the United States Pharmacopoeia, which requires that mild silver protein shall contain not less than 19 percent of silver, i. e., it represented that said article contained not less than 1.9 percent of silver; whereas it contained less than 1.9 percent of silver, namely, 1.69 percent of silver. It was alleged to be misbranded in that the statement "10 Per Cent (Mild Silver Protein)" was false and misleading in that it did not contain 1.9 percent of silver, the amount that should be present in a product containing 10 percent of mild silver protein, but did contain a less amount.

On December 8, 1939, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

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

**30993. Adulteration and misbranding of cod-liver oil. U. S. v. 31 Drums of Cod-Liver Oil. Decree of condemnation. Product released under bond for relabeling.** (F. & D. No. 45439. Sample No. 19774-D.)

This product was represented to contain 125 A. O. A. C. chick units of vitamin D per gram, but did contain not more than 95 such units of vitamin D per gram.

On June 2, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 31 drums of cod-liver oil at Minneapolis, Minn.; alleging that the article had been shipped in interstate commerce on or about December 24, 1938, by Charles L. Huisking & Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cod Liver Oil \* \* \* USP Vitamine Brand."

Adulteration was alleged in that the strength and purity of the article fell below the professed standard under which it was sold, namely, "Chick Tested Guaranteed Minimum 125 AOAC—D—Units per gram," since the article did not contain 125 A. O. A. C. chick units of vitamin D per gram but did contain a smaller amount.

It was alleged to be misbranded in that the statement, "Chick tested guaranteed minimum 125 AOAC—D units per gram," was false and misleading.

On October 31, 1939, Charles L. Huisking & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

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

**30994. Misbranding of Anti-Firin. U. S. v. Henry William Robinson and George Norman Robinson (Marvel Remedies Co.). Pleas of nolo contendere. Defendants placed on probation for 2 years.** (F. & D. No. 42637. Sample Nos. 24376-C, 18178-D.)

The label of this veterinary product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On January 12, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry William Robinson and George Norman Robinson, trading as the Marvel Remedies Co., San Francisco, Calif., alleging shipment by said defendants in violation of the Food and Drug Act as amended, on or about March 1, 1937, and May 10, 1938, from the State of California into the State of Nevada of quantities of Anti-Firin that was misbranded.

Analysis showed that the article consisted essentially of castor oil containing approximately 6 percent of methyl salicylate, colored with a red dye.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the can labels and in accompanying circulars falsely and fraudulently represented (in the case of one shipment) that it was effective to relieve boils and warts and as a treatment for boils; effective to relieve fistula, wire cuts, harness sores and wounds, lameness, thrush, bow tendons, splints, big knees, ringbone and sidebone (of short standing), and warts in horses; effective as a treatment for