

standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, since it contained more than 0.23 percent, namely, not less than 0.40 percent of iodine in thyroid combination; whereas the pharmacopoeia provides that thyroid shall contain not less than 0.17 percent and not more than 0.23 percent of iodine in thyroid combination, and the standard of strength, quality, and purity of the article was not declared on the container. This lot was also alleged to be misbranded in that the statement, "Thyroid Substance (Desiccated) * * * contains .2 percent. Iodine in thyroid combination," borne on the bottle label, was false and misleading, since it represented that the article contained 0.2 percent of iodine in thyroid combination; whereas it contained more than 0.2 percent of iodine in thyroid combination.

The remaining lots of the product were alleged to be misbranded in that the statement "Tablets Thyroid Substance (Desiccated) 2 Grs.," with respect to one lot, and the statement "Tablets Thyroid Substance (Desiccated) 1 Gr.," with respect to the remaining lot, were false and misleading since they represented that each of the tablets contained 2 grains or 1 grain of desiccated thyroid; whereas each of the tablets contained more desiccated thyroid than so represented, namely, the tablets labeled "2 Grs." contained not less than 3.23 grains of desiccated thyroid and those labeled "1 Gr." contained not less than 1.27 grains of desiccated thyroid.

On October 31, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

31121. Adulteration and misbranding of Neo-Sulfanil Tablets and Sulphomal Tablets. U. S. v. Van Pelt & Brown, Inc. Plea of guilty. Fine, \$100. (F. & D. No. 42627. Sample Nos. 16294-D, 17211-D, 34370-D.)

The Neo-Sulfanil Tablets contained less sulfanilamide than the amount declared on the label. One lot of the Sulphomal Tablets contained a smaller quantity of colloidal sulfur, and the other a larger quantity of diallymalonalurea, than declared on the label.

On September 26, 1940, the United States attorney for the Eastern District of Virginia filed an information against Van Pelt & Brown, Inc., Richmond, Va., alleging shipment on or about January 10, February 14, and November 2, 1938, from the State of Virginia into the State of Alabama and the District of Columbia of quantities of Neo-Sulfanil Tablets and Sulphomal Tablets which were adulterated and misbranded and one lot of Sulphomal Tablets which were misbranded.

The Neo-Sulfanil Tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 5 grains of sulfanilamide; whereas each tablet contained not more than 4.26 grains. They were alleged to be misbranded in that the statement "Each Tablet Contains Sulfanilamide 5 grs.," borne on the bottle label, was false and misleading.

One lot of the Sulphomal Tablets was alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain 2 grains of colloidal sulfur; whereas each tablet contained not more than 1.366 grains of colloidal sulfur. They were alleged to be misbranded in that the statement "Each Tablet Contains * * * Colloidal Sulphur 2 Grs.," borne on the bottle label, was false and misleading. The remaining lot of the Sulphomal Tablets was alleged to be misbranded in that the statement "Each Tablet Contains Diallymalonalurea ¼ Gr.," borne on the label, was false and misleading since each of the tablets contained more than ¼ grain, namely, not less than 0.292 grain (¾₁₀ grain) of diallymalonalurea.

On April 21, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

31122. Adulteration of paregoric and carbolic acid ointment; misbranding of Kobros Tablets, Apostol Herb Tea, Balsam for Lungs, Saxon Blackberry Cordial Compound, and Johnston's American Oil. U. S. v. Royal Manufacturing Co. of Duquesne, and Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs. Pleas of nolo contendere. Fine, \$400 and costs. (F. & D. No. 42688. Sample Nos. 8373-D, 8375-D, 8378-D, 8379-D, 8380-D, 12425-D, 12764-D, 61705-D.)

This case involved one lot of paregoric which contained anhydrous morphine in excess of the amount prescribed in the United States Pharmacopoeia, carbolic acid ointment which contained less phenol than the amount declared on the label, Johnston's American Oil which was short of the declared volume; and Kobros Tablets, Apostol Herb Tea, Balsam for Lungs, and Blackberry Cordial Compound the labels of which bore false and fraudulent therapeutic claims.

On July 6, 1939, the United States attorney for the Western District of Pennsylvania filed an information against the Royal Manufacturing Co. of Duquesne, a corporation, Duquesne, Pa., and Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs, alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about January 30, 1937, to on or about February 23, 1938, from the State of Pennsylvania into the States of Illinois and New York of quantities of the above-named drugs which were adulterated or misbranded.

Analyses showed that the Kobros Tablets contained approximately 5 grains of aspirin; that the Apostol Herb Tea consisted essentially of plant material including coriander seed, senna leaves, licorice root, uva ursi, and cascara bark; that the Balsam for Lungs (2 samples) consisted essentially of extracts of plant drugs including wild cherry, small proportions of menthol and pine tar, chloroform (1 sample contained 1.3 minims, the other 0.69 minim per fluid ounce), alcohol (1 sample contained 4.7 percent, the other 5.7 percent by volume), sugar, and water; and that the Blackberry Cordial Compound consisted essentially of water, sugar, glycerin, alcohol, with small proportions of salicylic acid and extracts of plant materials including ginger.

The paregoric was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein, since each 100 cubic centimeters contained more than 0.045 gram, namely, not less than 0.0479 gram of anhydrous morphine; whereas the pharmacopoeia provides that paregoric shall contain in each 100 cubic centimeters not more than 0.045 gram of anhydrous morphine, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

The carbolic acid ointment was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain 3 percent of phenol; whereas it contained not more than 2.5 percent.

Johnston's American Oil was alleged to be misbranded in that the statement "16 Fluid Ounces," borne on the bottle label, was false and misleading, since each of the bottles did not contain 16 fluid ounces but did contain a smaller amount.

The Kobros Tablets were alleged to be misbranded in that certain statements in the labeling regarding their therapeutic and curative effects falsely and fraudulently represented that they were effective for the relief and treatment of pains and aches, rheumatism, grippe, backache, pressure in head, nervousness, various pains caused by sickness, long standing or lasting and severe pains, pains in the side or back, and pains which accompany rheumatism, sciatica, lumbago, brain fatigue, sour stomach, nervous exhaustion or similar pains, stiffness in the back joints, and many pains peculiar to women; effective to bring relief and do away with a great many pains in a short time; effective to bring relief to those debilitated and weak on account of serious illness; effective to protect from attacks of pain; effective as a treatment, remedy, and cure for head cramps, lumbago, sciatica, gout, rheumatism, earache, toothache, trauma, dullness, dizziness, sleeplessness, insomnia, swelling or other similar pains; effective to alleviate persistent pains and chronic suffering; and effective for all sorts of headaches, including the worst and severest headaches.

The Apostol Herb Tea was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a treatment, remedy, or cure for dyspepsia, indigestion, biliousness, rheumatism, sick headache, certain stomach, liver, and kidney ailments, gastric debility, hemorrhoids, chronic diseases, dropsy, tumors, cancer, all blood disorders, digestive disturbances, headaches, dizziness, blood diseases, eczema, and blood, stomach, liver, kidney, and intestinal troubles; effective to purify the blood and the complexion; effective to produce a healthy appetite, to stimulate the flow of bile, to aid the intestines and liver to healthful activity, to strengthen the entire system and to assure peaceful sleep; and effective to cleanse the blood of waste and unclean material.

The Balsam for Lungs was alleged to be misbranded in that statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for affections of the lungs and throat, coughs of all kinds, hoarseness, affections of the respiratory passages such as whooping cough and bronchitis, lung and chest sickness, sore throat, asthma, and other troubles connected with the breathing apparatus.

The Saxon Blackberry Cordial was alleged to be misbranded in that certain statements in the labeling regarding its curative effects falsely and fraudulently represented that it was effective as a treatment, remedy, or cure for diarrhea, summer complaint, cholera morbus, cramps, colic, and similar complaints.

On April 22, 1940, pleas of nolo contendere having been entered, the court sentenced each of the four defendants to pay a fine of \$100 and costs.

31123. Misbranding of loose, pressed herbs. U. S. v. Allaire, Woodward & Co. Plea of nolo contendere. Fine, \$180 and costs. (F. & D. No. 42624. Sample Nos. 24504-D, 24505-D, 24506-D, 27625-D, 27646-D, 27648-D to 27660-D, incl.)

The labeling of these herbs bore false and fraudulent representations regarding their therapeutic and curative effects.

On February 27, 1939, the United States attorney for the Southern District of Illinois filed an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment within the period from on or about September 24, 1937, to on or about April 1, 1938, from the State of Illinois into the State of Missouri of quantities of herbs that were misbranded. The articles were labeled in part variously: "Loose Pressed Comfrey Root," "Black Haw Bark of Root," "Prince's Pine Herb," "Lobelia Herb," "Golden Seal Root," "Catnep Herb," "Wahoo Bark of Root," "Clover Blossoms-Red," "Chestnut Leaves," "Burdock Root," "Buchu," "Hoarhound," "Cohosh Root-Black," "Tansy," "Oak Bark-White," "Oak Bark-Red," "Linden Flowers," and "Elder Flowers."

Examination of samples of the herbs showed that they were properly labeled as to their identity.

The various herbs were alleged to be misbranded in that certain statements regarding their therapeutic and curative effects, borne on their respective labels, falsely and fraudulently represented that the comfrey root was effective as a treatment of pulmonary complaints and affections, such as ulcers; that the black haw bark of root was effective as a treatment for dysmenorrhea, afterpains and other uterine disorders; that the prince's pine herb was effective as a treatment for rheumatism, scrofula, chronic rheumatism, and cutaneous diseases; that the lobelia herb was effective as a treatment for asthmatic affections, croup, and bronchial affections; that the golden seal root was effective as a tonic and antiseptic and as a treatment for dyspepsia, jaundice, and piles and as an alterative in catarrh; that the catnep herb was effective as a tonic and as a treatment for colic in children and as an emmenagogue in amenorrhea and dysmenorrhea; that the wahoo bark of root was effective as a tonic and as a treatment for dropsy; that the red clover blossoms were effective as an alterative and treatment for whooping cough; that the chestnut leaves were effective as a treatment for whooping cough; that the burdock root was effective as a treatment for scrofulous and venereal affections; that the buchu was effective as a treatment for diseases of the urinary organs; that the hoarhound was effective as a tonic and as a treatment for asthma; that the black cohosh root was effective as a treatment for chronic rheumatism, neuralgia, and dysmenorrhea; that the tansy was effective as a treatment for intermittent hysteria and amenorrhea; that the white and red oak barks were effective in the treatment of diarrhea, leucorrhea and flabby ulcers; that the linden flowers were effective to relieve hysteria and indigestion; and that the elder flowers were effective as an alterative and as a treatment of scrofula and cutaneous diseases; whereas the said herbs would not be effective for such purposes.

On March 10, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$180 and costs.

31124. Misbranding of Numocu. U. S. v. Michael F. O'Toole (Numocu Laboratory). Tried to a jury. Verdict of guilty. Imposition of sentence suspended and defendant placed on probation for 3 years. Suspended sentence revoked and defendant fined \$50 and costs. (F. & D. No. 42508. Sample No. 8386-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On April 3, 1939, the United States attorney for the District of Maryland filed a libel against Michael F. O'Toole, trading as the Numocu Laboratory at Emmitsburg, Md., alleging shipment by said defendant on or about January 22, 1938, from the State of Maryland into the State of Illinois of a quantity of Numocu which was misbranded.

Analysis showed that the article was composed of volatile material including eucalyptol, camphor, turpentine, and pine oils; and also nonvolatile pine oils and resins (rosin), and calomel.