

Analyses showed that one shipment consisted chiefly of a hydroalcoholic solution of boric acid, clove oil, cinnamon oil, menthol, creosote, zinc chloride, and alcohol (not less than 23 percent by volume); and that the other shipment consisted of a hydroalcoholic solution of boric acid, zinc chloride, guaiacol, volatile oils, and alcohol (not less than 22.3 percent by volume).

The article was alleged to be misbranded in that the statement "Alcohol 10% by Volume," borne on the bottle label, was false and misleading since it represented that the article contained 10 percent of alcohol by volume; whereas it contained more than 10 percent, namely, not less than 22.3 percent in one of the shipments and not less than 23 percent in the other.

It was alleged to be misbranded further in that certain statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it was effective as a remedy for sore throat; and effective to give immediate relief from sore and ulcerated mouth, throat and tonsils, laryngitis, quinsy, tonsillitis, and hoarseness.

On April 25, 1939, pleas of guilty having been entered on behalf of the defendants, each was fined \$100 on each of the four counts, the total fines amounting to \$800.

31134. Adulteration and misbranding of British oil, Elixir Aspirin and Murray's Horehound, Mullein and Tar; misbranding of Dalby's Carminative and Dr. Hilton's Life Brand for the Kidneys and Liver. U. S. v. McKesson & Robbins, Inc., Murray Division. Plea of nolo contendere. Fine, \$100. (F. & D. No. 42625. Sample Nos. 764-D, 10034-D, 10035-D, 10037-D, 54353-C, 54354-C, 54355-C.)

This case was based on two shipments of British oil and one shipment of Murray's Horehound, Mullein and Tar which differed from their declared strength and the labeling of which bore false and fraudulent curative and therapeutic claims; one shipment of Elixir Aspirin which differed from its declared strength; one shipment of Dalby's Carminative which was labeled to indicate that it was safe but which in fact was not safe and the labeling of which also bore false and fraudulent curative and therapeutic claims; and two shipments of Dr. Hilton's Life Brand for the Liver and Kidneys the labeling of which bore false and fraudulent curative and therapeutic claims and a false and misleading declaration of alcohol and falsely represented that it complied with the law.

On February 20, 1939, the United States attorney for the Eastern District of South Carolina filed an information against McKesson & Robbins, Inc., Murray Division, Columbia, S. C., alleging shipment within the period from on or about February 15, 1937, to on or about February 7, 1938, from the State of South Carolina into the States of Florida and Georgia of quantities of the above-named drug preparations all of which were misbranded and portions of which were also adulterated.

Analyses showed that one lot of the British oil consisted essentially of a mixture of cottonseed oil, petroleum, turpentine, a trace of phenolic substances and little, if any, linseed oil, and that the other lot consisted essentially of a mixture of fatty oil, petroleum, and turpentine; that Dalby's Carminative consisted essentially of a liquid containing oils of peppermint and anise, magnesium carbonate in suspension, and morphine equivalent to slightly less than the declared $1\frac{1}{2}$ grains of powdered opium; that Murray's Horehound, Mullein and Tar consisted essentially of a syrupy solution containing horehound, tar, sugar, menthol, and chloroform (1.06 minims per fluid ounce); and that Dr. Hilton's Life for the Kidneys and Liver consisted essentially of a dilute hydroalcoholic sugar solution containing essentially plant extractives including those of emodin-bearing drugs, flavored with licorice and other aromatics.

The British oil was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Prepared according to the formula * * * published in the United States Dispensary, tenth edition, page 521," since it contained little, if any, oil of linseed but did contain cottonseed oil; whereas British oil prepared according to the said formula contains in each 27 fluid ounces, among other things, 8 fluid ounces of oil of linseed and does not contain cottonseed oil.

The British oil was alleged to be misbranded in that the statements "British Oil Prepared according to the formula * * * published in the United States Dispensary, tenth edition, page 521," were false and misleading. 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 as a treatment, remedy or cure for swellings, inflammations, the blackness of a bruise, fresh wounds, cuts, earaches, coughs, shortness of breath, pain, swelling, ulcers, and inward disorders.

The Elixir Aspirin was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each fluid drachm contains 5 grains Acetylsalicylic Acid" since it did not contain 5 grains of acetylsalicylic acid per fluid ounce but did contain a smaller amount, namely, not more than 4.22 grains.

It was alleged to be misbranded in that the statement "Each fluid drachm contains 5 grains Acetylsalicylic Acid" was false and misleading since each fluid drachm of the article contained less than 5 grains of acetylsalicylic acid.

Dalby's Carminative was alleged to be misbranded in that the following statements, "For Infants Afflicted With Wind, Watery Gripes, Fluxes and Other Disorders of the Stomach and Bowels. It is a safe Medicine * * * and often proves an immediate remedy in the above complaints of children and is equally useful in disorders of a similar nature, proceeding from a redundancy of acid humors in the stomach of grown persons. When the child is oppressed with wind, or pained in the bowels, this medicine may be given in the following doses; if the first dose should not procure relief in about ten minutes, the same dose may be repeated twice, or even three times if necessary. For a child in the first week, from three to ten drops; from one to four weeks old, it may be gradually increased to half a teaspoonful; and from one to six months old, from half to a whole teaspoonful; from thence to a year old two teaspoonfuls; increasing the dose according to the child's age or constitution. * * * In water gripes and bloody stools the dose before mentioned may be repeated every two or three hours during the violence of the symptoms afterwards every morning and evening till the disorder is removed. A grown person may take a half or two-thirds of a bottle at a dose, or if the pain be violent, he may take a whole bottle, mixed well with some convenient liquid," in an accompanying circular were false and misleading since they represented and created the impression and belief in the minds of purchasers that the article, when taken as directed therein, was a safe medicament; whereas it was not a safe medicament but was a dangerous one when taken as so directed. It was alleged to be misbranded further in that said 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 wind, water gripes, fluxes, bloody stool and other disorders of the stomach and bowels of infants and children and disorders of a similar nature of grown persons, and that when used as directed, it was a safe and appropriate remedy for the disease conditions mentioned in the labeling.

Murray's Horehound, Mullein and Tar was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each fluid oz. contains chloroform 2 minims" since each fluid ounce did not contain 2 minims of chloroform but did contain a smaller amount, namely not more than 1.06 minims.

It was alleged to be misbranded in that the statement "Each fluid oz. contains chloroform 2 minims" borne on the label was false and misleading since each fluid ounce of the article contained less than 2 minims of chloroform. It was alleged to be misbranded further in that said statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as an antispasmodic in croup and as a treatment, remedy, and cure for chronic and recent coughs, bronchitis, hoarseness, loss of voice, and all diseases of the throat and lungs.

Dr. Hilton's for the Liver and Kidneys was alleged to be misbranded in that the statements "Guaranteed under the Food and Drugs Act, June 30, 1906" with respect to one lot and the statements "Guaranteed by Life Medicine Co., under the Food and Drugs Act, June 30, 1906" with respect to the other lot and the statements "Alcohol 20 Per Cent" with respect to both lots, borne on the labels, were false and misleading in that they represented that the article complied with each and every provision of the Food and Drugs Act and had been examined by officers of the Government and was guaranteed by such officers to comply with each and every provision of said Act and that it contained 20 percent of alcohol; whereas it did not comply with each and every provision of the Act of Congress of June 30, 1906, and contained less than 20 percent, namely, approximately 13.3 percent by volume of alcohol.

It was alleged to be misbranded further in that the packages failed to bear a statement on the label of the quantity or proportion of alcohol it contained since the statement on the label was not correct.

It was alleged to be misbranded further in that statements regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective to cleanse the system, to purge the liver and dispel biliousness, sick

headache and all ailments due to a sluggish or inactive liver, to produce healthy operation of the bowels, to regulate the stomach, liver and kidneys, to purify the blood, to strengthen, regulate and give tone to the whole system, to improve digestion, to ward off malaria and thus prevent chills and fever; to remove the cause of derangement and effect a cure in liver complaint; to remove the cause of dyspepsia; to restore digestion to its healthy condition; to relieve sick headache and remove the cause thereof; to relieve piles, to make the bowels act regularly; to correct the liver and kidneys and make their secretions healthy; to make the blood pure; to cause worms to leave the bowels; to effect a cure of rheumatism, gout and neuralgia; to purify the blood and carry off impurities and build up broken-down constitutions and make them like new; and effective, among other things, as a treatment, remedy, or cure for habitual constipation, dyspepsia, indigestion and their effects such as nausea, sick headache and sour stomach; female complaints; weight or pain in the right side; frequent palpitation of the heart; uneasiness at the stomach; pains in the sides, back and lower part of the bowels; diseases of the kidneys, impure blood, diseases of the skin, scrofula, sore mouth, salt rheum, pimples on the face, old sores or ulcers, all humors of the blood, and dropsy.

On November 8, 1940, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

31135. Adulteration and misbranding of sandalwood oil. U. S. v. Alfred C. Hoffman (Red Mill Drug Co.) Plea of guilty. Fine, \$8. (F. & D. No. 42799. Sample Nos. 1600-D, 2362-D, 9624-D, 77634-D.)

This product differed from the pharmacopoeial standard in the following respects: It contained mineral oil; it yielded less than 90 percent of alcohols calculated as santalol. It did not have the characteristic color of sandalwood, and was not soluble in 5 volumes of 70 percent alcohol. It also differed from the pharmacopoeial standard with respect to its specific gravity, optical rotation, and refractive index.

On November 7, 1940, the United States attorney for the Eastern District of New York filed an information against Alfred C. Hoffman, trading as the Red Mill Drug Co., Brooklyn, N. Y. alleging shipment within the period from on or about November 9, 1937, to on or about February 2, 1939, from the State of New York into the States of Pennsylvania and Missouri of quantities of sandalwood oil that was adulterated and misbranded.

The article in all shipments 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 tests laid down in the pharmacopoeia official at the time of investigation; and its own standard of strength, quality, and purity was not declared on the container. One shipment was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 5 minims of the article; whereas each capsule contained less than 5 minims, namely, not more than 4.43 minims of the article.

The article in three shipments was alleged to be misbranded in that the statement "Pure East India (U. S. P.) Sandalwood Oil," borne on the cartons, was false and misleading since it represented that the article was sandalwood oil which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not sandalwood oil which conformed to the standard laid down in such compendium.

The remaining shipment was alleged to be misbranded in that the statement "Each capsule contains Sandalwood Oil * * * 5 minims," borne on the carton, was false and misleading since the said statement represented that the article consisted entirely of sandalwood oil and that each of the capsules contained 5 minims thereof; whereas it did not consist entirely of sandalwood oil but did consist in part of mineral oil and each of the capsules did not contain 5 minims of the article but did contain a smaller amount. All shipments were alleged to be misbranded further in that the article was an imitation of sandalwood oil and was offered for sale and sold under the name of another article.

The information also charged the defendant with various other shipments of sandalwood oil that was adulterated and misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notice of judgment D. D. N. J. No. 347.

On January 7, 1941, a plea of guilty having been entered, the court imposed a fine of \$8 on the counts charging violation of the Federal Food and Drugs Act of 1906. (The defendant was also sentenced to 10 months' imprisonment on the