10 counts covering violations of the Federal Food, Drug, and Cosmetic Act but this sentence was suspended and the defendant was placed on probation for 1 year.)

31136. Adulteration of Ovestrin in Oil. U. S. v. American Parentrasol Laboratories, Inc., and George Blank. Pleas of nolo contendere. Corporation fined $100. George Blank fined $100; imposition of sentence suspended and defendant placed on probation for 2 years. (F. & D. No. 42805. Sample No. 54572-D.)

This product possessed about one-third the potency declared on its label.

On February 13, 1941, the United States attorney for the District of Connecticut filed an information against the American Parentrasol Laboratories, Inc., Bridgeport, Conn., and George Blank, alleging shipment on or about May 29, 1939, from the State of Connecticut into the State of Michigan of a quantity of Ovestrin in Oil which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold since each cubic centimeter was represented to possess the therapeutic activity of 10,000 International Units of estrogenic ovarian follicular hormones; whereas each cubic centimeter of the article possessed a therapeutic activity of less than 10,000, namely, not more than 3,250 International Units of estrogenic ovarian follicular hormones.

It was alleged to be misbranded in that the statements (box) "1 c. c. therapeutic activity of 10,000 i. u. of estrogenic ovarian follicular hormones" and (ampuls) "1 c. c. equals 10,000 i. u." were false and misleading since they represented that the article possessed a therapeutic activity of 10,000 International Units of estrogenic ovarian follicular hormones; whereas it possessed the therapeutic activity of less than 10,000, namely, not more than 3,250 International Units of estrogenic ovarian follicular hormones.

The information also charged the shipment in interstate commerce of various drugs in violation of the Federal Food, Drug, and Cosmetic Act reported in notices of judgment published under that act.

On May 6, 1941, pleas of nolo contendere having been entered on behalf of the defendants, the court fined both the corporation and George Blank $100 but suspended imposition of sentence as to the latter and placed him on probation for 2 years. (Both defendants were fined $50 on each of the 8 counts charging violation of the Federal Food, Drug, and Cosmetic Act.)

31137. Adulteration and misbranding of Gestrone. U. S. v. Pro-Medico Laboratories, Inc., and Samuel Heller. Pleas of guilty. Fine, $200. (F. & D. No. 42767. Sample No. 51247-D.)

The potency of this product did not exceed one-seventh of that declared on the label.

On February 19, 1940, the United States attorney for the Eastern District of New York filed an information against the Pro-Medico Laboratories, Inc., Brooklyn, N. Y., and Samuel Heller, alleging shipment on or about April 6, 1939, from the State of New York into the State of Pennsylvania of a quantity of Gestrone which was adulterated and misbranded. The article was labeled in part: "A Pro-Medico Product Gestrone."

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since it was represented to possess a potency of not less than 125 rat units per cubic centimeter; whereas it possessed a potency equivalent to not more than 17 rat units per cubic centimeter.

It was alleged to be misbranded in that the statement, "physiologically standardized to a potency of not less than 125 rat units per cc," borne on the label, was false and misleading since it represented that the article had been physiologically standardized to a potency of not less than 125 rat units per cubic centimeter; whereas it possessed a potency equivalent to not more than 17 rat units per cubic centimeter.

On March 11, 1940, pleas of guilty having been entered on behalf of the defendants, they were each sentenced to pay a fine of $50 on each of the two counts of the information, the total fines amounting to $200.

31138. Adulteration and misbranding of phenacetin compound tablets and acetanilid tablets. U. S. v. Flint, Eaton & Co. Plea of nolo contendere. Judgment of guilty. Fine, $50. (F. & D. No. 38682. Sample Nos. 18628-C, 18778-C, 21308-C.)

The phenacetin compound tablets contained less aspirin than the amount declared on the label, and the acetanilid tablets contained less acetanilid than was declared.

On March 15, 1940, the United States attorney for the Southern District of Illinois filed an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment on or about October 23 and November 12, 1936, and January 11, 1937, from the State of Illinois into the States of Iowa and Missouri of quantities of phenacetin compound tablets and acetanilid tablets that were adulterated and misbranded.

The phenacetin compound tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 3 grains of aspirin; whereas each tablet contained less than so represented, namely, not more than 1.82 grains of aspirin. They were alleged to be misbranded in that the statement "Tablets * * * Aspirin 3 grs.," borne on the bottle label, was false and misleading.

The acetanilid tablets were alleged to be adulterated in that they were sold under and by a name recognized in the National Formulary, but differed from the standard of strength, quality, and purity as determined by the test laid down therein since the National Formulary provides that tablets of acetanilid shall contain not less than 92.5 percent of the labeled amount of acetanilid; whereas the tablets labeled 3 grains contained not more than 79.0 percent of the amount of acetanilid declared on the label (not more than 2.37 grains per tablet); and those labeled 5 grains contained not more than 85.8 percent of the amount declared (not more than 4.29 grains of acetanilid per tablet); and the standard of strength, quality, and purity of the article was not declared on the container. They were alleged to be adulterated further in that their strength and purity fell below the professed standard and quality under which they were sold since they were represented to contain, in one instance, 3 grains of acetanilid and, in the other, 5 grains of acetanilid; whereas the tablets contained less than so represented. They were alleged to be misbranded in that the statements, "Tablets * * * Acetanilid 3 grains" and "Acetanilid 5 grains," borne on the bottle labels, were false and misleading.

On June 28, 1940, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of $50 in lieu of fine and costs.

31139. Misbranding of Dr. Meyers Nervine and Mdme Brady's Female Compound. U. S. v. Purepac Corporation. Tried to the court and a jury. Verdict of guilty. Fine, $599. (F. & D. No. 42655. Sample Nos. 8867–D, 8868–D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On July 25, 1939, the United States attorney for the Southern District of New York filed an information against the Purepac Corporation, New York, N. Y., alleging shipment within the period from on or about December 23, 1937, to on or about February 8, 1938, from the State of New York into the State of Illinois of quantities of Dr. Meyers Nervine and Mdme Brady's Female Compound which were misbranded. The articles were labeled in part: "Distributed by Oakland Laboratories, Chicago, Ill."

Analyses showed that Dr. Meyers Nervine consisted essentially of bromides including ammonium bromide, potassium bromide, and sodium bromide, extract of valerian, sugar, and water; and that Mdme Brady's Female Compound consisted essentially of plant drugs indicating the presence of squaw vine, passiflora, poplar, blue cohosh, black cohosh, pokeroot, senna leaves, cascara, berberis, viburnum, juniper, and celery, sodium salicylate, alcohol, sugar, and water.

Dr. Meyers Nervine was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of nervous diseases, that it would quiet the nerves and bring to the nervous system a natural repose that is conducive to good health, that it was effective as a valuable, safe, dependable, nonnarcotic, harmless compound; that it was effective in the treatment of dispsomania, drunkenness, and delirium tremens and would aid in breaking the habit of drunkenness, and would relieve nervous disorders that resulted in the forming of the habit as well as those that resulted therefrom; that it was effective in the treatment of nervous headaches, general nervousness and hysteria; that it would restore impaired nervous energy and quiet the nerves, aid in the exercise of will power; that it was effective in the treatment of nervous exhaustion and conditions resulting therefrom such as dizziness, headaches, sleeplessness, anxiety, weakness of the heart, eyes and stomach, neuralgia, sciatica, sleeplessness caused by brain irritation and digestive disorders resulting in impaired nerves.