

Mdme Brady's Female Compound 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 ailments of women due to overwork, undernourishment, and run-down physical condition; and that it was effective as a general systemic tonic for women.

On July 14, 1941, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury. The trial was concluded on July 18, 1941, on which date the jury returned a verdict of guilty. On July 29, 1941, the court sentenced the defendant to pay a fine of \$599.

31140. Adulteration and misbranding of iron, arsenic, and strychnine, and of Rumen Stimulant; misbranding of San-O-Fern and Mastitis Ointment. U. S. v. J. F. Devine Laboratories, Inc. Plea of guilty. Fine, \$400. (F. & D. No. 42650. Sample Nos. 842-D, 7538-D, 10328-D, 14396-D, 14522-D.)

This case involved two shipments of iron, strychnine, and arsenic of which both lots were deficient in strychnine sulfate and one was also deficient in arsenic trioxide; one shipment of Rumen Stimulant which contained less barium chloride than declared, and one shipment each of San-O-Fern and Mastitis Ointment the labeling of which bore false and fraudulent curative and therapeutic claims.

On August 15, 1940, the United States attorney for the Southern District of New York filed an information against the J. F. Devine Laboratories, Inc., Goshen, N. Y., alleging shipment within the period from on or about December 8, 1937, to on or about February 2, 1938, from the State of New York into the States of Maine, North Carolina, New Jersey, Vermont, and New Hampshire of quantities of the above-named drugs which were adulterated and/or misbranded.

Analyses showed that the San-O-Fern consisted essentially of small proportions of oleoresin of male fern, santonin, calomel, and chloroform; and that the Mastitis Ointment contained small proportions of iodine and sulfuric acid incorporated in a lanolin base.

The iron, arsenic, and strychnine was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each fluid ounce of the article was represented to contain 1 grain of strychnine sulfate and 1 grain of arsenic trioxide; whereas each fluid ounce contained less than 1 grain of strychnine sulfate, samples taken from the two shipments having been found to contain 0.85 grain and 0.58 grain, respectively, of strychnine sulfate and one shipment contained less than 1 grain, namely, not more than 0.54 grain of arsenic trioxide. The article was alleged to be misbranded in that the statement "Each fluid ounce represents Strych. Sulf. 1 Gr.," with respect to both shipments, and the statement "Arsenic Triox. 1 Gr." with respect to one of the shipments, borne on the labels, were false and misleading since the article in both shipments contained less than 1 grain of strychnine sulfate per fluid ounce and in one of the shipments it contained less than 1 grain of arsenic trioxide per fluid ounce.

The Rumen Stimulant was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each ounce was represented to contain 30 grains of barium chloride; whereas each ounce contained less than so represented, namely, not more than 21.1 grains of barium chloride. It was alleged to be misbranded in that the statement, "Each ounce of Rumen Stimulant contains approximately: * * * Barium Chloride 30 Gr.," borne on the label, was false and misleading since each ounce of the article did not contain 30 grains of barium chloride but did contain a smaller amount.

San-O-Fern was alleged to be misbranded in that certain statements on the label, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective among other things as a treatment for round-worms (ascarids).

The Mastitis Ointment was alleged to be misbranded in that certain statements on the label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for "Mastitis * * * (Garget 'Caked Bag')."

On September 25, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 on each of the eight counts, the total fines amounting to \$400.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

31141-31156

FOODS

The case reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*
Washington, D. C., January 12, 1943.

31141. Alleged adulteration of butter. U. S. v. Thomas B. Archer and Abram Archer (Archer Produce Co.). Pleas of not guilty. Tried to the court. Judgment of not guilty. (F. & D. No. 42576. Sample No. 21743-D.)

On September 14, 1938, the United States attorney for the Northern District of Oklahoma filed an information against Thomas B. Archer and Abram Archer, copartners trading as Archer Produce Co. at Vinita, Okla., alleging shipment on or about April 24, 1938, from the State of Oklahoma into the State of Illinois of a quantity of butter which was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

On May 28, 1940, the defendants having entered pleas of not guilty and having waived a jury, the case was tried to the court upon a statement of the facts and the defendants were found not guilty.

31142. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, \$300. (F. & D. No. 42745. Sample Nos. 45234-D, 45237-D, 45472-D.)

Examination of samples of this product showed shortage from the declared weight; and in two of the three shipments, deficiency in milk fat.

On October 1, 1941, the United States attorney for the Middle District of Georgia filed an information against Armour & Co., a corporation at Tifton, Ga., alleging shipment in interstate commerce on or about January 6, February 24, and March 3, 1939, from the State of Georgia into the State of Florida of a quantity of butter that was misbranded and a part of which was also adulterated. The article was labeled in part: "Armour's Star Quality Cloverbloom Butter." Two of the three shipments were alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

All shipments of the article were alleged to be misbranded in that the statements, (cartons) "One Pound Net" and "1 Lb. Net Weight," and (wrappers) "1/4 lb. Net weight," were false and misleading since the cartons and wrappers did not contain 1 pound and 1/4 pound, respectively, but did contain smaller amounts. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On March 16, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$300.