

and the product was ordered released under bond conditioned that it be re-labeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30607. Misbranding of Kalo Santonin. U. S. v. Five Cans and Three Cans of Kalo Santonin Round Worm Expeller for Hogs. Default decree of condemnation and destruction. (F. & D. No. 44945. Sample No. 53057-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims; and the name "Kalo Santonin" was misleading since the article contained but a small proportion of santonin.

On March 4, 1939, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cans of Kalo Santonin at West Liberty, Iowa; alleging that the article had been shipped in interstate commerce on or about June 30, 1938, from Quincy, Ill., by Kalo Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that it consisted essentially of sodium bicarbonate, areca nut, santonin (1.2 percent), calomel, and oil of anise.

The article was alleged to be misbranded in that the name "Kalo Santonin" was false and misleading when applied to an article containing only a small proportion of santonin. It was alleged to be misbranded further in that the following label statements regarding its curative or therapeutic effect were false and fraudulent: "Round worm expeller for hogs * * * for Herd treatment"; "This package will treat 16 head of 50 lb. pigs. For larger or smaller pigs feed in proportion"; and "For individual treatment Give one level teaspoonful for each 20 lbs. of pig's weight."

On May 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30608. Misbranding of Fatherland Tea. U. S. v. 22 Packages of Fatherland Tea. Default decree of condemnation and destruction. (F. & D. No. 44163. Sample No. 31517-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims; moreover, the product was falsely represented to be of German origin.

On October 20, 1938, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Fatherland Tea at Wheeling, W. Va.; alleging that the article had been shipped in interstate commerce on or about May 2, 1938, from Pittsburgh, Pa., by Charles Stern; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of senna leaves, chamomile flowers, fennel seed, juniper berries, dog grass, and buchu leaves.

It was alleged to be misbranded in that its name, "Fatherland Tea," and the following statements variously appearing in the labeling were false and misleading, since it was not of German origin: (English) "The Great German Herb Medicine": (German) "The Celebrated German Herbs Medicine Fatherland Tea is a mixture of 18 German Herbs collected in all parts of Germany," and "The Celebrated German Herb Medicine." Misbranding was alleged further in that the following statements in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent: (English) "For all Diseases of the Blood, Liver, Kidneys and Stomach * * * Is a remedy for Liver and Kidney Complaint, Bilioussness, Dyspepsia, Sick Headache, Nervous Debility, Palpitation of the Heart, Flatulency, Malaria, Fever and Ague, Chills, Pain and Weakness of the Sight, Back and Sides, Loss of Appetite, * * * Blotches, Pimples, Rheumatism, Female Complaints. * * * And All Impurities of the blood"; (German) "If used according to directions, Fatherland Tea is a remedy for diseases of the Liver, Stomach and Kidneys, such as: * * * Headache, Palpitation of the Heart, Pochen, Rheumatism, Pain in the Back and Sides, Weakness of the Eyes, Female Diseases and All Impurities of the Blood"; (English) "A Remedy for all Diseases of the Kidneys, Liver, Stomach and Blood Such as Dyspepsia, Bilioussness, Sick Headache, Nervous Debility, Palpitation of the Heart, Malaria, Fever and Ague, Chills, Weakness

of the Sight, Back and Sides, Loss of Appetite, * * * Blotches, Pimples, Female Complaints, Rheumatism and all Impurities of the Blood"; and (German) "A sure remedy for all affections of the Liver, Stomach and Kidneys such as: * * * Headache, Palpitation of the Heart, Loss of Appetite, Pochen, Rheumatism, Pain in the Back and Sides; Weakness of the Eyes, Female Diseases and All Impurities of the Blood."

On April 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30609. Adulteration and misbranding of elixir of sodium bromide, elixir of iron and quinine with strychnine sulfate, and elixir salicylic acid compound. U. S. v. D. L. Miller & Co., Inc. Plea of guilty. Fine, \$30. (F. & D. No. 42665. Sample Nos. 34220-D, 34262-D, 34643-D.)

The elixir of sodium bromide contained less sodium bromide than required by the National Formulary and less than that declared on its label. Furthermore, the label failed to bear a statement of the quantity or proportion of alcohol that it contained. The elixir of iron and quinine with strychnine sulfate contained less than one-fourth of the quinine sulfate and strychnine sulfate declared on its label and also less alcohol than the amount declared. The elixir salicylic acid compound contained less salicylic acid and less potassium iodide than declared on its label. Moreover, it was falsely represented to be "Guaranteed under the Pure Food and Drugs Act, June 30, 1906."

On February 18, 1939, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against D. L. Miller & Co., Inc., Waynesboro, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 11, July 2, and September 28, 1938, from the State of Pennsylvania into the State of Maryland, of quantities of the above-named pharmaceuticals which were adulterated and misbranded.

The elixir of sodium bromide was alleged to be adulterated in that it was sold under a name recognized in the National Formulary but differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary since it contained less than 17 grams, i. e., not more than 15.89 grams, of sodium bromide per 100 cubic centimeters; whereas the National Formulary provides that elixir of sodium bromide shall contain not less than 17 grams of sodium bromide per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Further adulteration was alleged in that the strength of the article fell below the professed standard and quality under which it was sold, since each fluid ounce of the article was represented to contain 80 grains of sodium bromide; whereas each fluid ounce contained less than 80 grains, i. e., not more than 72.5 grains, of sodium bromide.

The elixir sodium bromide was alleged to be misbranded in that the statement on the label, "Each Fluid ounce represents: Sodium Bromide 80 grs.," was false and misleading since it represented that each fluid ounce of the article contained 80 grains of sodium bromide, whereas each fluid ounce contained less than 80 grains, i. e., not more than 72.5 grains, of sodium bromide. It was alleged to be misbranded further in that it contained alcohol and its label failed to bear a statement of the quantity or proportion of alcohol contained therein.

The elixir of iron and quinine with strychnine sulfate 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 contain in each fluid dram 1 grain of quinine sulfate and one-sixtieth of a grain of strychnine sulfate, equivalent to 0.838 grain of anhydrous alkaloids of quinine and strychnine per fluid dram; whereas it contained not more than 0.1894 grain of anhydrous alkaloids of quinine and strychnine per fluid dram, equivalent to less than one-fourth of the amount of quinine sulfate and strychnine sulfate declared on the label.

The elixir of iron and quinine with strychnine sulfate was alleged to be misbranded in that the label statements, "Alcohol 20%" and "Each Fluidrachm Contains: * * * Quinine Sulphate 1 grain Strychnine Sulphate 1/60 grain," were false and misleading since they represented that the article contained 20 percent of alcohol and that each fluid dram of said article contained 1 grain of quinine sulfate and one-sixtieth of a grain of strychnine sulfate; whereas the article contained less than 20 percent of alcohol, and each fluid dram