

30245. Adulteration and misbranding of Bromo-Sed, Forma-Lith, and Fer-Retone; misbranding of Raspamon, Retone, and Elixir Nux, Phosphoric Acid and Calisaya. U. S. v. Thomas N. Roche and Lawrence J. Renaud (Roche, Renaud Co.). Pleas of guilty. Fines, \$20. (F. & D. Nos. 42538. Sample Nos. 20982-C, 20984-C to 20988-C; inclusive.)

This case involved the following products: Bromo-Sed, which was represented to contain in each ounce 2 grains of phenobarbital and 80 grains of strontium bromide but which contained 1.57 grains of phenobarbital and 70.4 grains of strontium bromide per fluid ounce; Forma-Lith which contained no saw palmeto, formin, santalwood, nor lithium benzoate, which were declared on the label and did contain phenobarbital, strontium bromide, celery, and nux vomica, which were not declared; Fer-Retone, which was represented to contain in each ounce 80 grains of ferric and ammonium citrate but which contained not more than 65.3 grains of ferric and ammonium citrate per fluid ounce; Raspamon, which was represented to contain in each ounce three-eighths of a grain of phenobarbital but which contained not less than 0.519 grains of phenobarbital per fluid ounce; Elixir Nux Phosphoric Acid and Calisaya, which was represented to contain in each dram (60 minims) 5 minims of tincture of nux vomica, 10 minims of diluted phosphoric acid and elixir calisaya N. F. Qs. (quantity sufficient to make a fluid dram, namely, 45 minims of elixir calisaya of National Formulary standard) and which should yield from each dram not more than 9.84 milligrams of the anhydrous alkaloids of nux vomica and calisaya but which yielded not less than 13.6 milligrams of such alkaloids; and Retone which was short of the declared volume.

On September 9, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas N. Roche and Lawrence J. Renaud, copartners trading as Roche, Renaud Co., Fairhaven, Mass., alleging shipment by said defendants in violation of the Food and Drugs Act on or about August 10 and August 16, 1937, from the State of Massachusetts into the State of Rhode Island of quantities of Bromo Sed, Forma-Lith, and Fer-Retone that were adulterated and misbranded, and of quantities of Raspamon, Retone, and Elixir Nux Phosphoric Acid and Calisaya that were misbranded.

The Bromo Sed was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was labeled, "Each ounce contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains"; whereas each fluid ounce of the article contained less than 2 grains of phenobarbital and less than 80 grains of strontium bromide. It was alleged to be misbranded in that the statement, "Each ounce contains: Phenobarbital 2 Grains, Strontium Bromide 80 Grains," was false and misleading.

The Forma-Lith was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was labeled, "Each Dram Contains: Saw Palmeto Grs. I, Triticum Grs. I Formin Grs. VII Mais Grs. I Santalwood Grs. I Lithium Benzoate Grs. III"; whereas the article contained no saw palmeto, formin, santalwood, and lithium benzoate but did contain phenobarbital, strontium bromide, celery, and nux vomica. It was alleged to be misbranded in that the statement, "Each Dram Contains Saw Palmeto Grs. I Formin Grs. VII Santalwood Grs. I Lithium Benzoate Grs. III," was false and misleading since the article did not contain any of the said substances.

The Fer-Retone was alleged to be adulterated in that its strength and purity fell below its professed standard and quality in that it was labeled, "Each ounce contains: Ferric and Ammon. Citrate 80 Grains"; whereas each fluid ounce of the article contained less than 80 grains of ferric and ammonium citrate. It was alleged to be misbranded in that the statement "Each ounce contains: Ferric and Ammon. Citrate 80 Grains" was false and misleading.

The Raspamon was alleged to be misbranded in that the statement "Each ounce contains: Phenobarbital $\frac{3}{8}$ Grs." represented that each fluid ounce of the article contained three-eighths of a grain of phenobarbital; whereas each fluid ounce of the article contained more than three-eighths of a grain of phenobarbital.

Misbranding of the Retone was alleged in that the statement "6 Fluid Ounces," borne on the bottle label, was false and misleading since the bottles contained less than 6 ounces of the article.

Misbranding of the Elixir Nux, Phosphoric Acid and Calisaya was alleged in that the statement, "Each dram contains: Tr. Nux Vomica 5 Mins. Acid Phosphoric Dil. 10 Mins. Elixir Calisaya N. F. Qs.," borne on the label, was false and

misleading since each dram of the article contained tincture of nux vomica and elixir calisaya N. F. in excess of the amount represented.

On February 13, 1939, the defendants entered pleas of guilty and were each sentenced to pay a fine of \$10.

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

30246. Adulteration and misbranding of sanitary cotton swabs and tongue blades. U. S. v. 21 Cartons of Cotton Swabs and Tongue Blades. Default decree of condemnation and destruction. (F. & D. No. 44550. Sample No. 19769-D.)

These products, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination were found to be contaminated with viable micro-organisms. The swabs were labeled to indicate that they contained an appreciable amount of boric acid; whereas they contained but an inconsequential trace of boric acid.

On December 17, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons of sanitary swabs and tongue blades at Minneapolis, Minn.; alleging that the articles had been shipped in interstate commerce on or about October 15, 1938, by the Woltra Co., Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that their purity fell below the professed standard or quality under which they were sold, namely, (carton) "Made from sterilized absorbent cotton," since they were not sterile but were contaminated with viable micro-organisms and contained but an inconsequential trace of boric acid.

Misbranding was alleged in that the statements in the labeling, (envelope) "Sanitary applicators with cotton swabs and tongue blades (borated)" and (carton) "Sanitary cotton swab applicators with tongue blades," "Made from sterilized absorbent cotton and dipped in boric acid," and "Sanitary cotton swab applicators are approved and recommended by doctors and nurses," together with designs of a surgeon and a nurse, a man applying an applicator to mouth of boy, and nurse applying an applicator to eye of infant, were false and misleading when applied to articles which were not sterile and which contained but an inconsequential trace of boric acid.

On February 18, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

30247. Misbranding of Wyant's Eye-Bright. U. S. v. 15 Packages of Wyant's Eye-Bright. Default decree of condemnation and destruction. (F. & D. No. 44493. Sample No. 19867-D.)

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

On or about February 6, 1939, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages of Wyant's Eye-Bright at Cedar Rapids, Iowa; alleging that the article had been shipped in interstate commerce on or about July 26, 1938, by E. M. Wyant from Los Angeles, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Wyant's Eye-Bright (Eye Salve for Horses and Cattle)."

Analysis showed that the article consisted essentially of calomel, oil of sassafras, and an ointment base.

Misbranding was alleged in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: "Eye-Bright * * * for cataract. Periodic Ophthalmia (Moon Blindness) Inflammation of the eyes from any cause. Removes the white or opaque substance that forms on the eyes, caused by pinkeye, epizootic, distemper, etc. * * * Non-poisonous * * * gives instant relief in cases of inflammation, * * * Brightens the eyes."

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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