5 grains of acetophenetidin; whereas each of said tablets contained less than 5 grains of acetophenetidin. They were alleged to be misbranded in that the statement "Acetphenetidin Gr. 5," borne on the bottle label, was false and misleading in that it represented that each of the tablets contained 5 grains of acetophenetidin; whereas each of the tablets contained a less amount.

On November 29, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $250.

M. L. WILSON, *Acting Secretary of Agriculture.*

29791. Adulteration and misbranding of hospital cotton. U. S. v. 69 Cartons of Hospital Cotton. Default decree of condemnation and destruction. (F. & D. No. 43920. Sample No. 30632–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was found at the time of examination to be contaminated with viable micro-organisms.

On September 20, 1938, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cartons of hospital cotton at Clovis, N. Mex.; alleging that the article had been shipped on or about April 8, 1938, by the Scotch-Tone Co. from Oklahoma City, Okla.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, (carton) "sterilized after packaging," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statements "Hospital cotton * * * sterilized after packaging" and the design of a surgeon and nurse, borne on the label, were false and misleading when applied to absorbent cotton that was not sterile.

On November 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29792. Adulteration of nitrous oxide. U. S. v. One Tank of Nitrous Oxide. Consent decree of condemnation and destruction. (F. & D. No. 43922. Sample No. 33253–D.)

This product fell below the standard prescribed in the United States Pharmacopoeia for nitrous oxide in that it contained less than 95 percent of nitrogen monoxide.

On September 23, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tank of nitrous oxide at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 4, 1938, by Wall Chemicals, Inc., from Detroit, Mich.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article was sold under a name recognized in the United States Pharmacopoeia, namely, nitrous oxide, but differed from the standard of strength, quality, or purity as determined by the test laid down in said pharmacopoeia and its own standard of strength, quality, or purity was not stated upon the container.

On November 3, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29793. Adulteration and misbranding of pennyroyal; and misbranding of boil salve, flaxseed, sage leaves, blackberry root and ginger compound, stomach bitters, sarsaparilla compound, catnep herb, and Alkalade. U. S. v. The De Pree Co., a corporation, and Willis A. Diekema. Pleas of nolo contendere. The De Pree Co. fined $150. No sentence imposed against Willis A. Diekema. (F. & D. No. 42528. Sample Nos. 60202–C, 60205–C, 60206–C, 60209–C, 60213–C, 60214–C, 60216–C, 60217–C, 60218–C.)

This case involved a lot of pennyroyal which was adulterated with seeds and seed pods, and which contained filth; one lot of Alkalade the labeling of which bore false and fraudulent curative and therapeutic claims, and false and misleading representations that it was safe and harmless; and several lots of other drugs the labeling of which bore false and fraudulent curative and therapeutic claims.