

28998. Misbranding of Nonat. U. S. v. Marie Leiblinger (Marie Leiblinger & Co.) and Theodore W. Nosek. Pleas of guilty. Fine, \$2 each. (F. & D. No. 40777. Sample Nos. 53421-C, 53422-C.)

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

On April 1, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Marie Leiblinger, trading as Marie Leiblinger & Co., at Altadena, Calif., and Theodore W. Nosek, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 29 and July 9, 1937, from the State of California into the State of Texas of quantities of Nonat which was misbranded. The article was labeled in part: "Nonat * * * A Medicated Salve * * * Marie Leiblinger and Co., Altadena, Calif."

Analysis of the article showed that it was essentially a lead plaster consisting of turpentine, camphor, wax, resin, and a lead compound.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing in an accompanying circular, falsely and fraudulently represented with respect to both lots that it was effective as a treatment for carbolic acid burns, splinter wounds, aching tooth, rheumatism, sore kidneys, pain in back, poison ivy, sore foot, pain in shoulder, swollen glands, torn finger nails, lung fever, swellings, ingrown nail, growths, sores, running sores, dry sores, ulcers, ankle ailment, sore leg, frost bite, headache, and for all purposes; and that it was effective as a preventive of blood poison and as a relief from pain; and further with respect to one lot, that it was effective as a treatment for the relief of blood poisoning and injury, wounds, sore arm, swelled hand, blistered heel, pain under ribs, cuts, felon, injured knees, boils, and lameness in cows.

On April 11, 1938, pleas of guilty having been entered by the defendants, they were sentenced to pay fines in the total amount of \$4.

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

28999. Adulteration and misbranding of atropine sulphate tablets; adulteration of fluidextract of ipecac. U. S. v. Barksdale Chemical Co. Uncontested. Judgment of guilty. Fine, \$50. (F. & D. No. 39500. Sample Nos. 75668-B, 4997-C.)

The atropine sulphate tablets were sold under a name recognized in the National Formulary and the fluidextract of ipecac was sold under a name recognized in the United States Pharmacopoeia, but both products differed from the standards laid down therein.

On July 19, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Barksdale Chemical Co., a corporation, Memphis, Tenn., alleging shipment by said corporation on or about June 15 and December 30, 1936, from the State of Tennessee into the State of Arkansas of quantities of atropine sulphate tablets which were adulterated and misbranded, and fluidextract of ipecac which was adulterated. The articles were labeled in part: "Tablets Atropine Sulphate 1-50 gr. Barksdale Chemical Co.;" and "Fluid Extract Ipecac * * * Barksdale Chemical Co., Memphis, Tenn."

The atropine sulphate tablets were alleged to be adulterated in that they were 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, official at the time of investigation, since each tablet contained less than 1/50 grain, i. e., not more than 0.0154 grain in the case of one lot, and 0.0153 grain in the case of the other lot, that is to say, 1/65 grain of atropine sulphate equivalent to not more than 77 percent of the amount of atropine sulphate stated on the label; whereas the formulary provides that tablets of atropine sulphate shall contain not less than 92.5 percent of the labeled amount of atropine sulphate for tablets of 0.02 gram and the standard of strength, quality, and purity of the article was not declared on the container thereof. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since each of the tablets was represented to contain one-fiftieth of a grain of atropine sulphate; whereas each of the tablets contained less than one-fiftieth of a grain. The article was alleged to be misbranded in that the statement "Tablets Atropine Sulphate 1-50 Gr.," borne on the label, was false and misleading.

The fluidextract of ipecac was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, official at the time of investigation, since 100 cubic centimeters of the article yielded less than 1.8 grams; i. e., more than 1.60 grams of the ether-soluble alkaloids of ipecac; whereas the said formulary provides that fluidextract of ipecac shall yield from each 100 cubic centimeters not less than 1.8 grams of ether-soluble alkaloids of ipecac, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On April 29, 1938, the date set for the trial, the trustee of the defendant having announced that the action would not be contested, the United States attorney was granted leave to proceed. The defendant was adjudged guilty and was sentenced to pay a fine of \$50.

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

29000. Adulteration and misbranding of Jen-Sal P-T Hormone and Jen-Sal Pituitary Extract. U. S. v. Jensen-Salsbery Laboratories, Inc. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 39835. Sample Nos. 41541-C, 41544-C.)

Both of these veterinary products fell below the professed standard under which they were sold. The P-T Hormone fell below the standard laid down in the United States Pharmacopoeia, and its label bore false and fraudulent curative and therapeutic claims.

On February 18, 1938, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jensen-Salsbery Laboratories, Inc., Kansas, City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 22, 1937, from the State of Missouri into the State of Nebraska of a quantity of Jen-Sal P-T Hormone and Pituitary Extract which were adulterated and misbranded.

The P-T Hormone was alleged to be adulterated in that the article was denominated in a catalog by a name recognized in the United States Pharmacopoeia, eleventh edition, "Parathyroid Extract," and was offered for sale under the said name; that the standard of strength, quality, and purity of parathyroid extract, as determined by the test laid down in the said edition of the pharmacopoeia, which edition was official at the time of investigation, required that 1 cubic centimeter of parathyroid extract should possess a potency equivalent to not less than 80 parathyroid units and not more than 120 parathyroid units, and that each of such units should represent one-hundredth of the amount required to raise the calcium level of 100 cubic centimeters of the blood serum of normal dogs 0.001 gram, within from 16 to 18 hours after administration; and that the said article was without effect on the blood serum of normal dogs when injected in them pursuant to the tests for parathyroid extract laid down in the said edition of the said pharmacopoeia; and that the article differed from the standard of strength, quality, and purity as determined by the said test. It was alleged to be adulterated further in that the statement borne on the label, "A Standardized Aqueous Extract of the active principle or principles of the Parathyroid Glands of the Ox," and the statements set out in the catalog, "Parathyroid Extract P-T Hormone is the standardized aqueous extract of the active principle or principles of the Parathyroid Glands of the ox," were professions of the standard and quality under which the article was sold, i. e., that its standard and quality were those of the extract as prescribed in the United States Pharmacopoeia; whereas the article was not such standardized aqueous extract nor was it parathyroid extract of the standard and quality so stated and prescribed; but was an article whose strength and purity fell below the professed standard and quality under which it was sold.

The article was alleged to be misbranded in that the statements borne on the label, "A Standardized Aqueous Extract of the active principle or principles of the Parathyroid Glands of the Ox and suitable for increasing the Blood Serum Calcium. Dosage: Large animals—10 c. c. intramuscularly. Small animals— $\frac{1}{2}$ to 2 c. c. intramuscularly," were representations that it was of the standard and quality of parathyroid extract as determined by the test laid down in the United States Pharmacopoeia and said statements were severally false and misleading. It was alleged to be misbranded further in that the statements, "A Standardized Aqueous Extract of the active principle