

27542. Adulteration and misbranding of nitroglycerin tablets. U. S. v. Sutliff & Case Co., Inc. Plea of nolo contendere. Fine, \$250 and costs. (F. & D. No. 38644. Sample No. 75630-B.)

These tablets contained approximately one-seventh the amount of nitroglycerin declared on the label and contained an added substance, ammonium nitrate.

On May 21, 1937, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sutliff & Case Co., Inc., Peoria, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about June 20, 1936, from the State of Illinois into the State of Missouri of a quantity of nitroglycerin tablets which were adulterated and misbranded. The article was labeled in part: "Hypodermic Tablets Nitroglycerin . . . not over 1-100 gr. * * * Sutliff & Case Co., Inc."

It was alleged to be adulterated 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-hundredth grain of nitroglycerin; whereas each of said tablets contained less than one-hundredth grain, namely, not more than 0.0014 grain, i. e., not more than one seven-hundredth grain of nitroglycerin, and each of the tablets contained 0.005 grain of ammonium nitrate.

The article was alleged to be misbranded in that the statement "Tablets Nitroglycerin * * * 1-100 gr.," borne on the bottle labels, was false and misleading since it represented that each of the tablets contained one-hundredth grain of nitroglycerin; whereas each of the tablets did not contain one-hundredth grain of nitroglycerin but did contain a less amount; and each of the tablets contained an added substance, namely, ammonium nitrate.

On June 10, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$250 and costs.

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

27543. Adulteration of nitrous oxide. U. S. v. American Oxygen Service Corporation. Plea of guilty. Fine, \$75. (F. & D. No. 38667. Sample No. 9437-C.)

This product contained not more than 89.8 percent of nitrous oxide, whereas the United States Pharmacopoeia provided that it should contain not less than 95 percent of nitrous oxide.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Oxygen Service Corporation, Harrison, N. J., alleging shipment by said company in violation of the Food and Drugs Act on or about August 5, 1936, from the State of New Jersey into the State of New York of a quantity of nitrous oxide which was adulterated. The article was labeled in part: "Pure Nitrous Oxide Anhydrous * * * American Oxygen Service Corporation, Harrison, New Jersey."

It was alleged to be adulterated in that it was sold under the name "Nitrous Oxide," which has the same meaning as the name "Nitrogen Monoxide," a name recognized in the United States Pharmacopoeia, and contained less than 95 percent of nitrous oxide, namely, not more than 89.8 percent of nitrous oxide; that the standard of strength, quality, and purity of nitrogen monoxide determined by the tests laid down in the United States Pharmacopoeia requires that it contain not less than 95 percent by volume of nitrous oxide, and the said article differed from the aforesaid standard of strength, quality, and purity.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75.

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

27544. Misbranding of solution of citrate of magnesia. U. S. v. Three Star Magnesia, Inc. Plea of guilty. Fine, \$100; payment of \$50 of which was remitted. (F. & D. No. 38658. Sample Nos. 9295-C, 9296-C, 17641-C, 17642-C.)

Samples of this product were found to contain less than the quantity of contents declared on the labels, examination having shown that the bottles contained quantities varying from 10.5 fluid ounces to 11.5 fluid ounces.

The contents of the bottles of this product were less than the volume declared on the labels.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Three Star Magnesia, Inc., Newark, N. J., alleging shipment by said company in violation of the Food and Drugs Act on or about October 20, November 6, and November 14, 1936, from the State of New Jersey into the State of Connecticut of quantities of solution of citrate of magnesia which was misbranded. A portion of the article was labeled: "Delmar Effervescing Solution of Citrate of Magnesia * * * Distributed by Du Bois Laboratories New York New Haven." The remainder was labeled: "Distributed by Viviny Laboratories New York New Haven Pierce's Solution Citrate of Magnesia." The bottle caps of all lots bore the statement: "Contents 11½ Fluid oz."

The article was alleged to be misbranded in that the statement "Contents 11½ Fluid Oz.," borne on the bottle cap, was false and misleading in that said statement represented that each of the bottles contained 11½ fluid ounces of the article; whereas each of the said bottles did not contain 11½ fluid ounces of the article but did contain a less amount.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 on each of the four counts and ordered that payment of the fines be suspended on counts 2 and 3 pending complete compliance with the Government regulations for 1 year.

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

27545. Adulteration and misbranding of tincture of iodine. U. S. v. De Pree Co. Plea of nolo contendere. Judgment of guilty. Fine, \$200. (F. & D. No. 38669. Sample Nos. 57269-B, 6136-C.)

This product failed to conform to the standard for tincture of iodine established by the United States Pharmacopoeia, one lot being deficient in iodine and potassium iodide and the other containing an excess of iodine and potassium iodide.

On July 1, 1937, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Pree Co., a corporation of Holland, Mich., alleging shipment by said company in violation of the Food and Drugs Act on or about May 21 and August 18, 1936, from the State of Michigan into the State of Illinois of quantities of tincture of iodine which was adulterated and misbranded. The article was labeled in part: "San Tox Nurse Brand Tincture of Iodine U. S. P. * * * The De Pree Company, Holland, Mich."

The information alleged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia; the edition of the pharmacopoeia official at the time of investigation of the article defined tincture of iodine as an alcoholic solution of iodine and potassium iodide containing in each 100 cubic centimeters, not less than 6.5 grams and not more than 7.5 grams of iodine and not less than 4.5 grams and not more than 5.5 grams of potassium iodide; the article in one of the shipments contained less than 6.5 grams of iodine and less than 4.5 grams of potassium iodide per 100 cubic centimeters, namely, not more than 6.23 grams of iodine and 4.24 grams of potassium iodide per 100 cubic centimeters; in the other shipment it contained more than 7.5 grams of iodine and more than 5.5 grams of potassium iodide, namely, not less than 8.35 grams of iodine and not less than 5.74 grams of potassium iodide per 100 cubic centimeters; and it therefore differed from the standard of strength, quality, and purity for tincture of iodine as defined by the tests laid down in the aforesaid pharmacopoeia.

The article was alleged to be misbranded in that the bottle label bore the statement "Tincture of Iodine U. S. P.," which represented that the strength, quality, and purity of the article conformed to the standard for tincture of iodine as determined by the tests laid down in the pharmacopoeia; and in that the strength, quality, and purity of the article did not so conform, and the statement aforesaid was false and misleading.

On July 26, 1937, a plea of nolo contendere was entered on behalf of the defendant, and the court entered judgment of guilty and imposed a fine of \$200.

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

27546. Misbranding of W. H. Bull's Quick Pile Relief. U. S. v. W. H. Bull Medicine Co., Inc., and Harley E. Houts. Pleas of guilty. Corporation fined \$200 and costs. Harley E. Houts fined \$50. (F. & D. No. 38685. Sample No. 4700-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its alleged antiseptic properties.