**27562. Adulteration and misbranding of ampuls of phenobarbital sodium. U. S. v. 2 Boxes of Ampuls Phenobarbital Sodium. Default decree of condemnation and destruction.** (F. & D. No. 39494. Sample No. 30765–C.)

This case involved ampuls of phenobarbital sodium which contained viable micro-organisms including gram-positive aerobic spore-forming bacilli; whereas the National Formulary provided that ampuls should contain only sterile preparations.

On April 22, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 boxes, each containing 12 ampuls of phenobarbital sodium, at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about March 5, 1937, by the Intra Products Co., from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, ampuls of phenobarbital sodium, a sterile preparation, since it was phenobarbital sodium in ampuls and was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements "Ampoules Phenobarbital Sodium," borne on the box, and "Phenobarbital Sodium," borne on the individual ampul, were false and misleading, since they represented that the article was phenobarbital sodium in ampuls, a sterile preparation; whereas it was not phenobarbital sodium in ampuls, a sterile preparation, but was contaminated with viable micro-organisms.

On June 3, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**27563. Misbranding of Elixir Tussinol. U. S. v. 15 Bottles of Elixir Tussinol. Default decree of condemnation and destruction.** (F. & D. No. 39410. Sample No. 37135–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 4, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of Elixir Tussinol at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by Medicinal Research Laboratories from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of a solution of gold bromide.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the bottle label, were false and fraudulent: "Tussinol * * * The Preferred Treatment for Whooping Cough and other Spasmodic Coughs. * * * indicated for relief of the Spasms and discomforts of Whooping Cough and other Spasmodic Coughs The Therapeutic effect of Elixir Tussinol is * * * Neuro-sedative and Antibacterial."

On June 17, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**27564. Adulteration and misbranding of spirits of turpentine. U. S. v. Roberts Industries, Inc. Plea of guilty. Fine, $50.** (F. & D. No. 39488. Sample No. 15827–C.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the pharmacopoeial standard.

On June 23, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roberts Industries, Inc., New York, N. Y. The information alleged that on September 12, 1936, the Gotham Sales Co., Inc., shipped from New York, N. Y., to Ashboro, N. C., a quantity of spirits of turpentine; that it had been purchased from the defendant, Roberts Industries, Inc., and had been guaranteed by said defendant as conforming with the requirements of the Federal Food and Drugs Act; that the article when shipped in interstate commerce was in the identical condition as when purchased and was adulterated and misbranded in violation of the Food and