

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26726-26825

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 17, 1937]

26726. Adulteration and misbranding of Lassar's zinc paste. U. S. v. Price Drug Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 33892. Sample no. 43077-A.)

This product contained salicylic acid in a proportion less than that prescribed for Lassar's Zinc Paste in the National Formulary.

On February 2, 1936, 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 the Price Drug Co., Inc., New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about November 23, 1933, from the State of New York into the State of Connecticut of a quantity of Lassar's zinc paste that was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, since said article contained less than 2 grams of salicylic acid per 100 grams of the article; whereas said formulary provided that Lassar's zinc paste should contain not less than 2 grams of salicylic acid per 100 grams.

The article was alleged to be misbranded in that the statement "Lassar's Zinc Paste (N. F.)", borne on the label, was false and misleading since it represented that said article was Lassar's zinc paste, which conformed to the standard laid down in the National Formulary; whereas in fact said article was not Lassar's zinc paste that conformed to the standard laid down in the National Formulary.

On May 11, 1936, a plea of guilty was entered on behalf of defendant corporation and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26727. Misbranding of Sip-O. U. S. v. George J. McCabe (McCabe Drug Co.). Plea of guilty. Fine, \$25. (F. & D. no. 35980. Sample no. 23158-B.)

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

On February 4, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George J. McCabe, trading as McCabe Drug Co., Fargo, N. Dak., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 14 and February 14, 1935, from the State of North Dakota into the State of Minnesota of a quantity of Sip-O that was misbranded.

Analysis of the article showed that it consisted essentially of water, sugar, menthol, chloroform, and a small amount of pine tar and unidentified plant extractives.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, "* * * for Coughs * * *", and "A Valuable Remedy for Coughs * * * Bronchitis, Bronchial Asthma, * * * Whooping Cough, Sore Throat, Catarrh, Hay Fever, * * * Hoarseness * * *", borne on the labels, falsely and fraudulently represented that it was effective for the treatment of coughs; and effective as a

valuable remedy for the cure, mitigation, or prevention of coughs, bronchitis, bronchial asthma, whooping cough, sore throat, catarrh, hay fever, and hoarseness.

On July 24, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

26728. Misbranding of Poloris Dental Poultrice. U. S. v. Poloris Co., Inc. Plea of guilty. Fine, \$125. (F. & D. no. 36018. Sample no. 26051-B.)

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

On August 7, 1936, 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 the Poloris Co., Inc., a corporation, New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about August 21, September 12, October 24, and November 21, 1934, and January 7, 1935, from the State of New York into the State of Massachusetts of quantities of Poloris Dental Poultrice which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of plant material such as belladonna leaves, hops, aconite, sassafras, and acacia.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the boxes containing it, on the cartons enclosing the boxes, and in a circular enclosed in each of the cartons, falsely and fraudulently represented that the article would be effective as a treatment, remedy, and cure for toothache and for abscess, swelling, or any inflammation of teeth and gums; effective as a treatment for the relief of toothache due to abscess conditions, gingivitis, trench mouth, soreness after treating pyorrhea, and during pregnancy; and effective for toothache of any other kind.

On October 19, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$125.

W. R. GREGG, *Acting Secretary of Agriculture.*

26729. Misbranding of Kalis' Laxative Capsules. U. S. v. 18 Packages of Kalis' Laxative Capsules. Default decree of condemnation and destruction. (F. & D. no. 36419. Sample nos. 27437-B, 27438-B.)

The packages of this article contained false and fraudulent representations regarding its curative or therapeutic effect.

On September 25, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 packages of Kalis' Laxative Capsules at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about February 1, 1935, by the Kalis Products Co., from St. Joseph, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of acetanilid (2 grains per capsule), extracts of plant drugs including asafetida and a laxative drug, camphor, and compounds of magnesium and iron.

The article was alleged to be misbranded in that statements appearing upon and within the package, "Flu-Caps' For * * * Grip and Influenza", and the statement, "Were Formerly Known as Kalis' Laxative 'Flu-Caps' ", upon a circular, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed in said statements.

On September 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26730. Misbranding of Roup-Powder and Poultry Worm Expeller; adulteration and misbranding of Acetanilid Comp. Tablets. U. S. v. 597 Cartons of Roup-Powder, 285 Cans of Poultry Worm Expeller, and 52,000 Acetanilid Comp. Tablets. Default decree of condemnation and destruction. (F. & D. nos. 36880, 36881, 36882. Sample nos. 52368-B, 52369-B, 52373-B.)

The label of the Roup-Powder contained false and fraudulent representations regarding its curative or therapeutic effect. The Acetanilid Comp. Tablets contained caffeine in addition to acetanilid, and the package failed to bear a statement of the quantity or proportion of acetanilid contained therein. The pack-