

that it contained double the quantity of vitamin D, that it contained twice the quantities of vitamin A and vitamin D found in ordinary cod-liver oil, that it was superior, that it represented the highest potency of natural vitamin D content, and that the natural vitamin D in the article had been standardized to contain not less than 75,000 units per 100 grams, were false and misleading. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, on the bottle labels, and cartons, and in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective to promote growth, to build health and vigor, to strengthen the membranes and tissues, to build sturdy bones and proper tooth structure, to make one strong and keep one well, to guard the health, to protect the health and to resist infection and disease; effective as a preventive of infectious diseases such as colds, bronchitis, and pneumonia; effective to increase the power of resistance of the body; effective as a treatment for wasting diseases, and as a remedy in all cases of chronic bronchitis.

On October 26, 1936, the defendants entered pleas of guilty and the court imposed a fine of \$50.

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

26738. Adulteration and misbranding of nitrous oxide. U. S. v. Certified Laboratory Products, Ltd. Plea of guilty. Fine, \$20. (F. & D. no. 37048. Sample no. 55458-B.)

This case involved an interstate shipment of an article labeled "Nitrous Oxide", and "Nitrous Oxide Gas." It differed from the standard of strength, quality, and purity prescribed for such article in the United States Pharmacopoeia, and was represented on the label as free from foreign gases or impurities, when it was not.

On June 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Certified Laboratory Products, Ltd., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act on or about September 19, 1935, of a quantity of an article, labeled "Nitrous Oxide" and "Nitrous Oxide Gas", which was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, nitrogen monoxide, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen, and its own standard of strength, quality, and purity was not declared on the container thereof.

The article was alleged to be misbranded in that the statement, "The contents of this cylinder * * * is free from * * * other foreign gases or Impurities", borne on tags attached to the containers, was false and misleading in that it represented that the article was free from foreign gases and impurities; whereas in fact it was not free from foreign gases and impurities, but contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen.

On October 10, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$20.

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

26739. Misbranding of Wittone. U. S. v. United Distributors, Inc., and Winfield R. Offutt. Plea of guilty. Fine, \$30. (F. & D. no. 37065. Sample nos. 48581-B, 48693-B, 48716-B.)

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

On July 13, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against United Distributors, Inc., a corporation, Louisville, Ky., and Winfield R. Offutt, treasurer of said corporation, charging shipment by said corporation in violation of the Food and Drugs Act as amended, from the State of Kentucky into the States of Georgia, South Carolina, and Florida, on or about November 30, December 5, 8, and 17, 1935, of quantities of Wittone the labels of which bore false and fraudulent representations regarding its curative and therapeutic effects.

Analysis of the article showed it to be a red, aqueous liquid, the color of which was due to the presence of iron salicylate, with a sweet, cinnamon taste; and that it consisted chiefly of Epsom salt.