

the condition begins to cease. Thereafter apply a couple times a week until the scalp condition has been sufficiently checked"; (circular) "Tonic A guaranteed scientific remedy for application in slight or severe cases of excessive Dandruff, Itching Scalp, Scaly Scalp, Eczema, Falling Hair and other scalp conditions. * * * highly beneficial in preserving the hair and scalp. * * * its medication counteracts the unhealthy scalp condition * * * producing a healthy scalp. Silver Crown is excellent for Eczema too—it's healing."

No claimant having appeared, judgments of condemnation were entered on September 2 and October 5, 1936, and February 8, 1937; and it was ordered that the products be destroyed.

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

26775. Misbranding of Parkelp. U. S. v. 12 Packages of Parkelp. Default decree of condemnation and destruction. (F. & D. nos. 38288, 38289. Sample nos. 4936-C, 4937-C.)

This case involved a circular which contained false and fraudulent representations regarding its curative or therapeutic effect.

On September 12, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 packages of Parkelp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 19, 1936, by Philip R. Park, Inc., from Chicago, Ill., 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 plant material (chiefly kelp), yielding ash containing compounds of chlorine, potassium, sodium, calcium, phosphorus, and iodine.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effect, borne on a circular enclosed in the packages, were false and fraudulent: "Aids Digestion. If you suffer from weak stomach, indigestion or intestinal sluggishness due to lack of food minerals, Parkelp will help you. Parkelp is Nature's own concentrated Sea Food which provides in the diet these food minerals needed for the 'chemistry of digestion.'" Thousands of people are now using Parkelp regularly because they have found that it solved their problem. Give Parkelp a fair trial (3 to 4 weeks) and we are confident that you, too, will feel a new vigor, a new lease on life."

On October 28, 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.*

26776. Adulteration and misbranding of glycerin, arsenic trioxide, phenol crystals, sodium borate powder, powdered borax, aromatic spirit of ammonia, sodium biphosphate, zinc oxide, liquor cresolis compositus, and lemon extract. Misbranding of vanilla extract, syrup of hypophosphites, hydrogen peroxide solution, oil of cottonseed, and Good's Dog Soap. U. S. v. James Good, Inc., and John J. Cram. Pleas of nolo contendere. Judgments of guilty. James Good, Inc., fined \$300. John J. Cram given suspended sentence and placed on probation. (F. & D. no. 33867. Sample nos. 41451-A, 41452-A, 50633-A, 56687-A, 58845-A, 61146-A, 62165-A, 62170-A, 62182-A, 62200-A, 62517-A, 76402-A, 3382-B, 3912-B, 4013-B, 4503-B, 4663-B, 5080-B, 26099-B, 38558-B.)

This case involved the following products: Glycerin, arsenic trioxide, phenol crystals, sodium borate powder, powdered borax, aromatic spirit of ammonia, sodium biphosphate, zinc oxide, and liquor cresolis compositus, products recognized in the United States Pharmacopoeia but which differed from the standards laid down in that authority and were not labeled to show their own standards; lemon extract that was deficient in lemon oil and contained less alcohol than declared on the label; vanilla extract that was short in volume and contained less alcohol than declared; syrup of hypophosphites, hydrogen peroxide solution, and oil of cottonseed that were short in volume; and Good's Dog Soap the labeling of which contained false and fraudulent curative and therapeutic claims.

On March 11, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James Good, Inc., a Delaware corporation trading at Philadelphia, Pa., and John J. Cram, factory superintendent of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, between the dates of May 11, 1933,

and June 27, 1935, from the State of Pennsylvania, into the States of New Jersey, Kansas, Texas, Maryland, South Dakota, Ohio, Wisconsin, Colorado, Alabama, and the District of Columbia of quantities of the products above referred to, of which a part were adulterated and misbranded, and the remainder were misbranded. The articles were labeled: "James Good, Inc., Philadelphia."

Certain of the above-named products were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down therein in the following respects, and their own standard of strength, quality, and purity were not declared on the container:

The glycerin was of a yellow color, had a specific gravity at 25° Centigrade of 1.247, possessed a slightly acid reaction to litmus and contained carbonaceous and mineral residue amounting to 0.026 percent, readily carbonizable substances which with sulphuric acid produced a brown color, and sulphate; whereas the pharmacopoeia provides that glycerin shall be colorless, that it shall have a specific gravity at 25° Centigrade not below 1.249, that it shall be neutral to litmus paper, that it shall contain not more than 0.015 percent of carbonaceous and mineral residue, that it shall not contain readily carbonizable substances which with sulphuric acid will color the material darker than yellow, and that it shall contain no sulphate.

The arsenic trioxide was a gray powder containing particles larger than 0.0125 millimeter in diameter. The residue upon ignition of 1 gram of the powder was not less than 2.36 percent, the arsenic sulphide precipitated by hydrogen sulphide from a solution was not completely soluble in an excess of ammonium carbonate, and the article when dried to constant weight at 100° Centigrade contained not more than 98.7 percent of arsenic trioxide; whereas the pharmacopoeia provides that arsenic trioxide shall consist of particles not greater than 0.0125 millimeter in diameter, that it shall be a white powder, that upon ignition of 1 gram of the powder it shall leave a residue of not more than 0.1 percent, that the arsenic sulphide precipitated by hydrogen sulphide from a solution shall be completely soluble in an excess of ammonium carbonate, and that when dried to constant weight at 100° Centigrade it shall contain not less than 99.8 percent of arsenic trioxide.

The phenol crystals were not colorless, and 5 grams of the article heated on a water bath left a residue of more than 0.05 percent, namely, 0.16 percent; whereas the pharmacopoeia provides that phenol crystals be colorless, and that 5 grams of the article, when heated on a water bath, shall leave a residue of not more than 0.05 percent.

The sodium borate powder and the powdered borax contained in 100,000 parts arsenic equivalent to more than 5 parts of arsenic trioxide; whereas the pharmacopoeia provides that sodium borate and powdered borax shall not contain arsenic equivalent to more than 1 part of arsenic trioxide per 100,000 parts.

The aromatic spirit of ammonia contained in each 100 cubic centimeters less than 1.84 grams, namely, not more than 1.54 grams of ammonia; whereas the pharmacopoeia provides that aromatic spirit of ammonia shall contain not less than 1.84 grams of ammonia per 100 cubic centimeters.

One gram of the sodium biphosphate yielded more chlorides than correspond to 0.2 cubic centimeter of fiftieth-normal hydrochloric acid; whereas the pharmacopoeia provides that 1 gram of sodium biphosphate shall yield no more chlorides than corresponds to 0.2 cubic centimeter of fiftieth-normal hydrochloric acid.

Two grams of zinc oxide mixed with 10 cubic centimeters of distilled water, to which was added 30 cubic centimeters of diluted sulphuric acid, did not make a solution that was clear and colorless, and 2 grams of the article, added to 20 cubic centimeters of distilled water and 5 cubic centimeters of glacial acetic acid and warmed on a water bath, produced a precipitate upon the addition of 5 drops of potassium chromate T. S., indicating the presence of lead; whereas the pharmacopoeia provides that 2 grams of zinc oxide mixed with 10 cubic centimeters of distilled water, to which is added 30 cubic centimeters of diluted sulphuric acid, heated on a water bath, shall make a solution which is clear and colorless and that 2 grams of zinc oxide added to 20 cubic centimeters of distilled water and 5 cubic centimeters of glacial acetic acid, warmed on a water bath, and to which is added 5 drops of potassium chromate T. S., will produce no precipitate indicating lead.

The liquor cresolis compositus contained oil other than linseed oil; whereas the pharmacopoeia mentions only linseed oil as an ingredient of liquor cresolis compositus. Adulteration of the products sold under names recognized in the United States Pharmacopoeia was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Adulteration of the lemon extract was alleged in that a product deficient in lemon oil had been substituted for pure extract lemon, which the article purported to be.

Misbranding was alleged with respect to the products sold under names recognized in the pharmacopoeia in that the following statements borne on the label were false and misleading: "Glycerin, U.S.P."; "Arsenic Trioxide, U.S.P."; "Phenol Crystals, U.S.P."; "Sodium Borate Powder, U.S.P."; "Powdered Borax, U.S.P."; "Aromatic Spirit of Ammonia, U.S.P."; "Sodium Biphosphate, U.S.P."; "Zinc Oxide, U.S.P."; "Liquor Cresolis Compositus, U.S.P."

Misbranding was alleged with respect to the lemon extract in that the statements "Extract, Flavoring, Lemon", borne on the carton, and the statements "Pure Extract Lemon", "Alcohol 80%", borne on the bottle label, were false and misleading and were applied to the article so as to deceive and mislead the purchaser since they represented that it was pure extract of lemon and contained 80 percent of alcohol; whereas it was not pure extract of lemon, but was a product deficient in lemon oil and did not contain 80 percent of alcohol, but did contain a less amount.

Misbranding was alleged with respect to the vanilla extract in that the statements "24 4-Ounce bottles", borne on the carton and "4 Fluid Ounces, Net Alcohol 40%", borne on the bottle label, were false and misleading and were applied to the article so as to deceive and mislead the purchaser in that they represented that the bottles contained 4 fluid ounces of the article, and that the article contained 40 percent of alcohol; whereas each of said bottles contained less than 4 fluid ounces of the article, and the article contained less than 40 percent of alcohol. Misbranding of the vanilla extract was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the syrup of hypophosphites, hydrogen peroxide solution, and the oil of cottonseed was alleged for the reason that the statements "1 Pint", with respect to the syrup of hypophosphites, "1 Gallon", with respect to the hydrogen peroxide solution, and "1 Quart", with respect to the oil of cottonseed, borne on the labels of the bottles containing the articles, were false and misleading since the said bottles contained less than declared.

Misbranding of the dog soap was alleged in that certain statements, designs, and devices, regarding its curative and therapeutic effects, borne on the cartons containing the article and in a circular enclosed therein, falsely and fraudulently represented that the article was effective as an aid in keeping the skin in a healthy condition; was effective to heal sores, to promote the healing of many sores and eruptions, and to make hair grow; was effective as a treatment of eczema sores and certain other skin ailments; and was effective to insure health.

The information also charged adulteration and misbranding of the liquor cresolis compositus and misbranding of Good's Dog Soap in violation of the Insecticide Act of 1910, reported in notices of judgment published under that act.

On January 15, 1937, the defendants entered pleas of nolo contendere. Judgments were entered finding the defendants guilty and imposing a fine of \$300 on James Good, Inc., for violation of both acts. John J. Cram was given a suspended sentence and placed on probation for 1 year.

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

26777. Adulteration and misbranding of tincture of belladonna. U. S. v. Abbott Laboratories. Plea of guilty. Fine. \$25. (F. & D. no. 34027. Sample nos. 72228-A, 4271-B, 4273-B.)

This product differed from the standard prescribed by the United States Pharmacopoeia and was not labeled to indicate its own standard.

On June 11, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Abbott Laboratories, a corporation,