

in an amount less than declared; and elixir of pepsin and rennin compound that contained less alcohol than declared.

On September 18, 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 Standard Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by it in violation of the Food and Drugs Act, as amended, on or about May 9, 1934, from the State of Illinois into the State of Minnesota of quantities of drugs that were adulterated and/or misbranded. The articles were labeled in part: (Bottle) "Syrup No. 4562 Five Bromides * * * represents Combined Bromides of Potassium, Sodium, Ammonium, Calcium and Lithium 120 grains with Syrup and Aromatics. * * * Standard Pharmacal Co. Chicago"; (bottle) "Elixir Iron, Quinine & Strychnine * * * Each Fluidounce represents Iron and Ammonium Citrate 10 grs. Quinine Sulphate 4 grs."; (bottle) "Elixir Pepsin and Rennin Compound (Essence of Pepsin) N. F. Alcohol 19 Per cent."

Adulteration of the syrup of five bromides was charged under the allegations that each fluid ounce thereof was represented to contain 120 grains of combined bromides of potassium, sodium, ammonium, calcium, and lithium; that each fluid ounce of the article contained not more than 90.86 grains of such combined bromides; and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Adulteration of the iron, quinine, and strychnine was charged (a) under the allegations that the article was sold under a name recognized in the National Formulary; that the said formulary prescribed that elixir of iron, quinine, and strychnine should contain tincture of ferric citrochloride and quinine hydrochloride; that the said article contained iron and ammonium citrate and quinine sulphate; that the said article differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary and that its own standard of strength, quality, and purity was not declared on its container; (b) under the allegations that each fluid ounce of the article was represented to contain 10 grains of iron and ammonium citrate and 4 grains of quinine sulphate; that each fluid ounce thereof contained not less than 11.68 grains of ammonium citrate and not more than 3.6 grains of quinine sulphate; and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding of the five bromides was charged under the allegations that the label attached to the bottle bore the statement, to wit, "Each fluidounce represents Combined Bromides of Potassium, Sodium, Ammonium, Calcium and Lithium 120 grains"; that the article contained less than 120 grains of the combined bromides aforesaid; and that the aforesaid statement was false and misleading.

Misbranding of the iron, quinine, and strychnine was charged under the allegations that the label attached to the bottle bore the statement, to wit, "Each Fluidounce represents Iron and Ammonium Citrate 10 grs. Quinine Sulphate 4 grs"; that each fluid ounce of the article contained more than 10 grains of iron and ammonium citrate and less than 4 grains of quinine sulphate; and that the aforesaid statement was false and misleading.

Misbranding of the elixir of pepsin and rennin compound was charged (a) under the allegations that the label attached to the bottle bore the statement, to wit, "Alcohol 19 Per Cent"; that the article contained not more than 13.7 percent of alcohol; that the aforesaid statement was false and misleading; (b) under the allegation that the article contained alcohol and that the label on the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On May 19, 1936, a plea of guilty having been entered, a fine of \$25 and costs was imposed.

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

26128. Misbranding of Zann-Itc. U. S. v. Richard I. Morgan. Plea of guilty. Fine, \$25. (F. & D. no. 34035. Sample no. 459-B.)

This case involved an interstate shipment of Zann-Itc the packages of which bore false and fraudulent statements regarding its curative or therapeutic effects.

On October 7, 1935, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard I. Morgan, Toppenish, Wash., charging shipment by said defendant in violation of the Food and Drugs Act,

as amended, on or about July 8, 1934, from the State of Washington into the State of California of a quantity of Zann-Ite which was misbranded.

Analysis showed the product to be a light brown clay carrying 13.5 percent water, 51 percent silica, and 20 percent aluminum and iron oxides, and traces of calcium, magnesium, and carbonates.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the labels of the packages, falsely and fraudulently represented that the article was effective to insure health and to remove inflammation and impurities from the blood, lungs, skin, mucous membrane, and prostate glands; effective as a remedy and cure for diabetes, goiter, hardening of the arteries, diseases of the heart, rheumatism in various forms, kidney affections, stomach ulcers, bloating, worms, and children's diseases; effective as a treatment, remedy, and cure for so-called incurable chronic cases of long standing; effective as a nourisher and purifier of the blood and as a treatment for troubles arising from the derangement of the circulatory, glandular, and nervous systems; effective to promote the secretion of urine and to increase the elimination of uric acid; effective to stimulate the liver and cause increased activity of all organs of elimination; and effective to increase rapidly the number of red corpuscles in the blood, to cause increase in the growth and number of health cells, to vitalize the body tissues, to break down and eliminate unhealthy or morbid cells, to act directly on the blood as an oxidizing agent, and to stimulate the elimination of toxins or poisons.

On May 7, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

26129. Adulteration and misbranding of ether. U. S. v. 84 Cans of Ether. Consent decree of condemnation and destruction of ether. (F. & D. no. 35240. Sample no. 29434-B.)

This case involved an interstate shipment of ether that differed from the standard of strength, quality, and purity as determined by the test laid down in the United States Pharmacopoeia.

On March 12, 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 a libel praying seizure and condemnation of 84 cans of ether at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1933, by Merck & Co., Inc., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under the name "Ether for Anesthesia", a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia, and its own standard was not stated on the label.

The article was alleged to be misbranded in that the statement appearing on the label, "Ether * * * U. S. P. X", was false and misleading.

On April 21, 1936, Merck & Co., Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be destroyed.

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

26130. Misbranding of Wa-Hoo Bitters. U. S. v. 645 Bottles of Wa-Hoo Bitters. Default decree of condemnation and destruction. (F. & D. no. 35686. Sample no. 31928-B.)

This case involved an interstate shipment of Wa-Hoo Bitters the label of which bore false and fraudulent statements regarding their curative or therapeutic properties.

On June 27, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 645 bottles of Wa-Hoo Bitters at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 4, 1935, by the Old Indian Medicine Co., from Toledo, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs including gentian, magnesium sulphate (not more than 4 grams per 100 milliliters), salicylic acid (0.2 gram per 100 milliliters), and water.