

West, Judge: In six counts of an information the defendants are charged with violations of the Pure Food and Drugs Act by shipping from Cleveland to points in West Virginia, Louisiana, and Texas, consignments of medicines falsely labeled and misbranded. These appear to be so-called Red Heart Blood Tabs and a drug labeled "Prescription 1000" for internal and external use. It is charged that the labels and accompanying literature contain exaggerated and false claims as to the curative properties of the drugs, which are unnecessary to recite. Count No. 4 is dismissed by the government. To the remaining five counts the plea of the defendants is *nolo contendere*. Each count alleges a second offense by pleading the defendants' former conviction in this court in May 1917, when a small fine was assessed. Part of the shipments at least were seized, confiscated, and destroyed, no claimant appearing. Defendants claim to have taken the advice of counsel with respect to their labels and advertising, which they say has been changed at times in order to conform to their understanding of the law. However, the plea entered makes it unnecessary to consider these matters, except perhaps as they may tend to mitigate punishment.

This is a peculiarly obnoxious method of defrauding the public, and in view of the former conviction, the court thinks a substantial penalty should be imposed. The sentence of the court is that the defendants on each of the remaining five counts pay a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25390. Misbranding of Maison's Cresol Solution. U. S. v. Hi-Test Laboratories, Inc. Plea of nolo contendere. Fine, \$50. (F. & D. no. 34009. Sample no. 4260-B.)

This case involved a drug preparation the labeling of which contained unwarranted antiseptic and disinfectant claims.

On May 14, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hi-Test Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company, under the name of Maison Labs., Co., in violation of the Food and Drugs Act on or about July 3, 1934, from the State of Ohio into the State of Missouri, of a quantity of Maison's Cresol Solution which was misbranded.

The article was alleged to be misbranded in that the statements on the label, "Antiseptic disinfectant * * * ¼ per cent solution—(one teaspoonful to two quarts) in warm water", borne on the bottle label, were false and misleading in that the said statements represented that the article was antiseptic and disinfectant when used as directed; whereas it was not antiseptic and disinfectant when used as directed. The information also charged adulteration and misbranding of the article in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1451 published under that act.

On March 27, 1936, a plea of *nolo contendere* was entered on behalf of defendant company and the court imposed a fine of \$50 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

25391. Adulteration and misbranding of Pennex Brand Camphorated Oil U. S. P., Pennex Brand Essence of Peppermint U. S. P., and Pennex Brand Spirit of Camphor U. S. P. U. S. v. The Pennex Products Co., Inc., Ruben Sachnoff, Anna Schugar, and Frank W. Wentworth. Pleas of nolo contendere. Defendant corporation fined \$50 and costs awarded against it. Each of the individual defendants fined \$25. (F. & D. no. 35918. Sample nos. 23651-B to 23655-B, incl.)

The labels of these articles erroneously represented that they were of pharmacopoeial standard. The labels of the essence of peppermint and of the spirit of camphor failed to state correctly the proportion of alcohol contained, and the essence of peppermint was misbranded in that denatured alcohol had been substituted for alcohol.

On November 13, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pennex Products Co., Inc., Pittsburgh, Pa., Ruben Sachnoff, Anna Schugar, and Frank W. Wentworth, alleging shipments by them in violation of the Food and Drugs Act as amended, in the period from November 12, 1934, to January 28, 1935, from Pittsburgh, Pa., to Youngstown, Ohio, of quantities of Pennex Brand Camphorated Oil U. S. P., Pennex Brand Essence of Peppermint U. S. P., and Pennex Brand Spirit of Camphor U. S. P., which were both adulterated and misbranded.