

quart of warm water Athlete foot 1 teaspoon to each quart of warm water", borne on the label, were false and misleading, since the article was not a feminine hygiene antiseptic, was not an antiseptic douche, and was not an antiseptic for athlete's foot when used as directed.

The information also alleged that the product was further adulterated and misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1441 published under that act.

On December 2, 1935, the defendants entered pleas of nolo contendere, were adjudged guilty, and were each sentenced to 6 months on probation.

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

25128. Adulteration and misbranding of elixir of pepsin, bismuth, and nux vomica; elixir of lactated pepsin with calisaya and hydrastis; elixir of calisaya, iron, pepsin and strychnine; elixir of pepsin and bismuth; elixir of lactated pepsin with bismuth; elixir of lactated pepsin and calisaya; elixir of lactated pepsin with bismuth and strychnia; and adulteration of glycerite of pepsin. U. S. v. 8 Bottles of Elixir of Pepsin, Bismuth and Nux Vomica (and other cases). Default decrees of condemnation and destruction. (F. & D. nos. 35826 to 35833, incl. Sample nos. 22662-B, 22671-B, 22673-B, 22689-B, 22690-B, 22691-B, 22692-B, 22693-B.)

These products were represented to contain pepsin or pepsin with other drugs. Analyses showed that they contained no pepsin and that most of the products were deficient in other drugs declared on the label.

On August 6, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 61 bottles of the above-listed drugs at New Orleans, La., alleging that the articles had been shipped in interstate commerce on or about March 27, March 28, and March 30, 1934, by the Southwestern Drug Corporation, from Houston, Tex., and charging adulteration of the glycerite of pepsin and adulteration and misbranding of the remaining products in violation of the Food and Drugs Act.

The articles were labeled in part: "From the Laboratory of Houston Drug Company Houston, Texas."

The glycerite of pepsin was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as prescribed by that authority since it contained no pepsin; whereas the National Formulary specifies that each 1,000 cubic centimeters of glycerite of pepsin shall contain not less than 87.5 grams of pepsin. Adulteration of the remaining products was alleged in that their strength fell below the professed standard or quality under which they were sold in the following respects: Each fluid ounce of the elixir of pepsin, bismuth, and nux vomica was represented to contain 8 grains of pepsin and 8 grains of nux vomica; whereas the article contained no pepsin and each fluid ounce contained not more than 3.65 grains of nux vomica. Each fluid ounce of the elixir of lactated pepsin with calisaya and hydrastis was represented to contain 38 grains of lactated pepsin, 40 grains of calisaya bark, and 32 grains of *Hydrastis canadensis*; whereas the article contained not more than 1.75 grains of alkaloid per fluid ounce, and no pepsin. (The United States Pharmacopoeia specifies that calisaya bark yield not less than 5 percent of alkaloid and that *Hydrastis canadensis* yield not less than 2½ percent of ether-soluble alkaloids. If the article had the composition claimed it would contain in each fluid ounce not less than 2 grains of alkaloid from calisaya bark and not less than 0.8 grain of ether-soluble alkaloid from *Hydrastis canadensis* or a total of not less than 2.8 grains of alkaloid per fluid ounce. Each fluid ounce of the elixir calisaya, iron, pepsin, and strychnine was represented to contain 40 grains of calisaya bark, 16 grains of ferric pyrophosphate, and 40 grains of pepsin saccharated; whereas the article contained no pepsin, and each fluid ounce represented not more than 1.4 grains of calisaya bark, and 4.35 grains of ferric pyrophosphate. Each fluid drachm of elixir of pepsin and bismuth was represented to contain 1 grain of pure pepsin; whereas the article contained no pepsin. Each fluid ounce of elixir of lactated pepsin with bismuth was represented to contain 38 grains of lactated pepsin; whereas the article contained no pepsin. Each fluid ounce of elixir of lactated pepsin and calisaya was represented to contain 40 grains of lactated pepsin and 40 grains of calisaya bark; whereas it contained no pepsin and not more than 31 grains of calisaya bark per fluid ounce. Each fluid ounce of elixir of lactated pepsin with bismuth and strychnie was

represented to contain 40 grains of lactated pepsin and 0.08 grain of strychnine sulphate; whereas it contained no pepsin and not more than 0.10 grain of strychnine sulphate per fluid ounce. Misbranding was alleged with respect to all products, with the exception of the glycerite of pepsin, for the reason that the following statements in the labeling were false and misleading: (Elixir of pepsin, bismuth, and nux vomica) "Each fluid ounce represents: Pure Pepsin, 8 grains; Nux Vomica, 8 grains"; (elixir of lactated pepsin with calisaya and hydrastis) "Each fluid ounce containing: "Lactated Pepsin, 38 grains; Calisaya Bark, 40 grains; and Hydrastis Canadensis 32 grains"; (elixir of calisaya, iron, pepsin, and strychnine) "Each fluid ounce represents: Calisaya Bark, 40 grains; Ferric Pyrophosphate, 16 grains; Pepsin Saccharated, 40 grains"; (elixir of pepsin and bismuth) "Each fluid drachm containing one grain Pure Pepsin"; (elixir of lactated pepsin with bismuth) "Each fluid ounce containing 38 grains Lactated Pepsin"; (elixir of lactated pepsin and calisaya) "Each fluid ounce represents Lactated Pepsin . . . 40 grains Calisaya Bark . . . 40 Grains"; (elixir of lactated pepsin with bismuth and strychnia) "Each fluid ounce containing 40 grains Lactated Pepsin * * * 8-100 grain Strychnine Sulphate."

On September 5, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

25129. Misbranding of Laxated H-L-C. U. S. v. 67 Bottles of Laxated H-L-C. Default decree of destruction. (F. & D. no. 35871. Sample no. 32265-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 2, 1935, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 bottles of Laxated H-L-C at Joiner, Ark., alleging that the article had been shipped in interstate commerce on or about March 18, 1935, by the Durham Drug Co., from Itta Bena, Miss., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of water, calcium, iron, magnesium sulphate, sodium benzoate, and plant extractives.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: " * * * Relieving Constipation * * * Stomach Disorders, Kidney and Bladder Trouble, Gas Pains, Bloating, Dizzy Feeling, Biliousness, Disease of the Kidneys, Chronic Inflammation of Kidneys, Chronic Weakness of the Kidneys, Consumption of the Kidneys A Prescription That Does the Work Help Yourself to Health—Guaranteed."

On October 21, 1935, 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.*

25130. Misbranding of Sylvester Brand Haarlem Oil. U. S. v. 32 Bottles of Sylvester Brand Haarlem Oil (and other cases). Default decrees of condemnation and destruction. (F. & D. nos. 35872, 36153, 36458. Sample nos. 42458-B, 42984-B, 49558-B.)

These cases involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 6, 21, and October 5, 1935, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 173 bottles of Sylvester Brand Haarlem Oil at Newark, N. J., and 102 bottles of the product at Philadelphia, Pa., alleging that the article had been shipped or delivered for shipment in interstate commerce on various dates, namely, on or about March 20, July 13, and July 18, 1935, by M. Coward, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sylvester Brand Imported Genuine Haarlem Oil * * * Waaning-Tilly Bros., Haarlem—Holland."

A sample of the product analyzed by this Department was found to consist essentially of a sulphonted fatty oil (total sulphur, 19.6 percent), and turpentine oil (46 percent).