

and Drugs Act as amended, on or about August 11, 1933, from the State of Alabama into the State of Tennessee, of a quantity of Phospho which was misbranded.

Analysis showed that the article consisted essentially of sodium phosphate, phosphoric acid, and water.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the bottle and carton labels, falsely and fraudulently represented that it was effective as a relief from indigestion, torpid liver, distress after eating, all stomach and bowel troubles, every kind of trouble of the stomach, bowels, liver, kidneys; effective as a relief from dyspepsia, biliousness, and sick headache; effective to eliminate uric acid from the system, and effective as a remedy for rheumatism.

On June 3, 1935, a plea of nolo contendere having been entered on behalf of the defendant company, a judgment of guilty was entered and a fine of \$22.50 was imposed, together with \$5 clerk's costs.

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

24645. Misbranding of White Cross Quinine and Iron Tonic. U. S. v. John H. Cash (American Drug Co.). Plea of nolo contendere. Judgment of guilty. Fine, \$30.50. (F. & D. no. 33829. Sample no. 39263-A.)

This case was based on a shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 17, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Cash, trading as the American Drug Co., Mobile, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 11, 1933, from the State of Alabama into the State of Florida, of a quantity of White Cross Quinine and Iron Tonic which was misbranded.

Analysis showed that the article consisted of an aqueous solution containing in each 100 milliliters quinine sulphate, (2 grams), magnesium sulphate (Epsom salt, 48 grams), and an iron compound.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on a circular wrapper shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for chills and fever, dengue fever, and influenza; and effective as an excellent general system tonic.

On June 7, 1935, the defendant entered a plea of nolo contendere, was adjudged guilty and was fined \$30.50.

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

24646. Adulteration and misbranding of pituitary extract and sodium cacodylate. U. S. v. William A. Fitch, Inc. Plea of guilty. Fine, \$200. (F. & D. nos. 30332, 33843. Sample nos. 20710-A, 52053-A.)

This case was based on an interstate shipment of pituitary extract which had a potency below that prescribed by the United States Pharmacopoeia, and of sodium cacodylate ampoules that contained a smaller amount of sodium cacodylate than declared on the label.

On May 7, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against William A. Fitch, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, from the State of New York into the State of New Jersey, on or about July 2, 1932, of a quantity of pituitary extract, and on or about October 31, 1933, of a quantity of sodium cacodylate which products were adulterated and misbranded. The articles were labeled in part: "Pituitary Extract Fitch Double Strength"; "Solution Sodium Cacodylate Fitch 1 Gm. (15½ grs.)."

The pituitary extract was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that its potency was below the standard prescribed in that authority, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the pituitary extract was alleged for the further reason that its strength or purity fell below the professed standard and quality under which it was sold, since it was represented to be pituitary extract of double strength, whereas it was not.

Adulteration of the sodium cacodylate was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that each 2 cubic centimeters of the article was represented to contain 1 gram (15½ grains) of sodium cacodylate; whereas each 2 cubic centimeters of the article contained less than so represented, namely, not more than 0.822 gram (12.68 grains) of sodium cacodylate.

Misbranding of the pituitary extract was alleged for the reason that the statement, "Pituitary Extract * * * Double Strength", borne on the label, was false and misleading, since the article was not pituitary extract of double strength. Misbranding of the sodium cacodylate was alleged for the reason that the statement "2 cc * * * Sodium Cacodylate * * * 1 Gm. (15½ grs.)", borne on the label, was false and misleading, since 2 cubic centimeters of the article did not contain 1 gram of sodium cacodylate, but did contain a less amount.

On May 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

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

24647. Misbranding of Pheno-Isolin and Menno. U. S. v. Scientific Manufacturing Co., Inc., and Howard J. Force. Pleas of nolo contendere. Fine, \$30. (F. & D. no. 33850. Sample nos. 43036-A, 43993-A.)

This case was based on shipments of drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The labeling of the Pheno-Isolin was further objectionable since the circular showed the results of germicidal tests under conditions of prolonged exposure, while the bottle label conveyed the misleading impression that it would produce the same result under conditions of practical use.

On December 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scientific Manufacturing Co., Inc., and Howard J. Force, Scranton, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 23, 1933, from the State of Pennsylvania into the State of New York, of a quantity of Menno; and on or about August 23, 1933, from the State of Pennsylvania into the State of New Jersey of a quantity of Pheno-Isolin which were misbranded.

Analysis of the Pheno-Isolin showed that it consisted of a brown oily liquid containing chiefly volatile oils dissolved in fixed oil, the fixed oil apparently consisting of a fish oil with rosin and/or rosin oil, and the volatile oils apparently consisting of turpentine, camphor, menthol, and a small amount of thymol. Bacteriological examination showed that it was not a germicide when used as directed. Analysis of the Menno showed that it consisted of a dark brown liquid with a light brown sediment. The liquid contained chiefly water, glycerol, sodium bicarbonate, and alcohol. The sediment apparently was chiefly magnesium carbonate and plant material. An amodin-bearing drug and a small amount of ipecac alkaloids were present.

The articles were alleged to be misbranded in that certain statements, designs, and devices appearing in the respective labelings, falsely and fraudulently represented that the Pheno-Isolin was effective to prevent and destroy infection, effective as a local antitoxin; effective as a relief from pain and as a preventive of pain, swelling, and fever when caused by infection; effective as a preventive of tetanus; effective as a treatment, remedy, and cure for sore mouth, sore gums, sore throat, coughs, bronchial cases, boils, carbuncles, ulcers, old ulcers, bed sores, pyorrhea, mouth ulcers, ulcerated cancer, skin affections, neuritis, and ear infections; effective to protect wounds and ulcers from infection; and that the Menno was effective as a treatment, remedy, and cure for indigestion, gas condition, or ptomaine poisoning. Misbranding of the Pheno-Isolin was alleged for the further reason that the following statements contained in a circular shipped with the article, and the statement "Germicide * * * Use Full Strength", borne on the bottle label, were false and misleading in that they represented that the article was a germicide when used as directed; whereas it was not a germicide when used as directed: "Germicidal Test Method—F. D. A. Wet Filter Paper, U. S. Dept. of Agriculture Circular 198. December, 1931. Organism—Staph. aureus. F. D. A. Culture No 209. Age of culture—24 hours at 37 degrees C. Medium—Standard broth. Peptone—Armours Special. Organic matter—None. Temperature of medication—37 degrees C. Sterile 0.5 cm. squares of Whatman's No. 2 Filter Paper were