

* * * Sole agents for the U. S. A.: Right-O Products Company Robert M. Froehlich, Ph. D. New York, N. Y."

Analysis showed that the article consisted essentially of extracts of plant drugs, including thyme, a saponin, glycerin, sugar, alcohol, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton) "Tussamag

* * * Clinically approved in Pharyngitis, Laryngitis, all kinds of Bronchitis, Bronchial Asthma (Dyspnoea), Pertussis, Pulmonary Tuberculosis.

* * * Not less than 6 teaspoonful a day, according to age of patient and severity of disease. In Whooping Cough: $\frac{1}{2}$ to 1 teaspoonful within an hour"; (front bottle label) "Tussamag"; (back bottle label) "Tussamag The medicinally approved remedy against all diseases of the respiratory tract, especially: Pharyngitis, Laryngeal Cough, Bronchitis, Bronchial Dyspnoea, and Whooping Cough. * * * In Whooping Cough * * * In Attacks of Dyspnoea:

* * * Many years' clinical experience in the Hospital for Pulmonary Diseases"; (circular) "Indications: Acute, subacute and chronic bronchitis, broncho-pneumonias, subsequent bronchitis after tuberculosis, broncho-ectasias, bronchial asthma, pharyngitis, laryngitis, whooping cough. * * * In attacks of asthma * * * When used for the treatment of tuberculosis, it increases (sic) the metabolism by amplifying the resorption, due to the stimulating effect of the Saponin [similar statements in foreign languages.]"

On April 29, 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.*

24668. Misbranding of Kay's Ointment, Kay's Powder, and Kay's Leg Oil. U. S. v. 23 Jars of Kay's Ointment, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35161, 35162. Sample nos. 21514-B, 21515-B, 21522-B to 21527-B, incl.)

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

On February 19, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 232 jars of Kay's Ointment, 26 cans of Kay's Powder, and 18 bottles of Kay's Leg Oil at Newark, N. J., alleging that the articles had been shipped in interstate commerce between the dates of November 10, 1934, and January 12, 1935, by Kraupner & Kraupner, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that Kay's Ointment consisted essentially of zinc and bismuth compounds and benzocaine incorporated in a mixture of petrolatum and wool fat; that Kay's Powder consisted of sodium perborate; and that Kay's Leg Oil consisted essentially of cottonseed oil perfumed with lavender oil.

The articles were alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that the articles, when used alone or in combinations, were effective to afford immediate relief for the itching, burning and smarting of ulcerated legs and leg sores; and would be effective in the treatment of ulcerated legs and leg sores including chronic and old sores.

On June 3, 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.*

24669. Adulteration of tincture of digitalis and tincture of belladonna leaves; misbranding of elixir pepsin, bismuth and strychnia, and wine ergot; and adulteration and misbranding of tincture of strophanthus, fluid-extract of hyoscyamus, fluidextract of colchicum seed, tincture of hyoscyamus, elixir of digitalin compound, and tincture of colchicum seed. U. S. v. Four 16-Ounce Bottles of Tincture Strophanthus, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35193 to 35202, incl. Sample nos. 22443-B, 22445-B, 22450-B, 22452-B, 22453-B, 22492-B, 22493-B, 22494-B, 22495-B, 22498-B.)

These cases involved shipments of various drugs adulterated and/or misbranded in the following respects: The elixir of pepsin, bismuth, and strychnia contained less pepsin than declared; the elixir digitalin compound contained less strychnine sulphate and less nitroglycerin than declared; the wine ergot contained alcohol in excess of the amount declared; and the remaining products

were sold under names recognized, or synonymous with names recognized, in the United States Pharmacopoeia, and differed from the standard laid down in that authority. The labeling of the tincture of strophanthus bore unwarranted curative and therapeutic claims.

On March 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 37 bottles of tincture of strophanthus, 6 bottles of tincture of digitalis, 13 bottles of fluidextract of hyoscyamus, 1 bottle of fluidextract of colchicum seed, 10 bottles of tincture of belladonna leaves, 10 bottles of tincture of hyoscyamus, 1 bottle of elixir pepsin, bismuth, and strychnia, 4 bottles of elixir digitalin compound, 7 bottles of tincture of colchicum seed, and 24 bottles of wine ergot at New Orleans, La., alleging that the articles had been shipped in interstate commerce in various shipments on or about March 27, March 28, and March 30, 1934, by the Southwestern Drug Corporation, from Houston, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "From The Laboratory of Houston Drug Company, Houston Texas."

The libels charged adulteration of certain of the products in that they were sold under names recognized in the United States Pharmacopoeia, or under names synonymous with names recognized in the pharmacopoeia, and differed from the standard of strength as determined by the tests laid down in that authority in the following respects, and their own standard of strength was not stated on the labels: The tincture of strophanthus had a potency of four-tenths of that required by the pharmacopoeia; the tincture of digitalis had a potency of less than three tenths of that required by the pharmacopoeia; the fluidextract of hyoscyamus yielded 0.179 gram of alkaloids, whereas the pharmacopoeia specifies that it yield not more than 0.075 gram of alkaloids of hyoscyamus; the fluidextract of colchicum seed yielded 0.70 gram of colchicum per 100 cubic centimeters; whereas the pharmacopoeia specifies that fluidextract of colchicum yield not more than 0.44 gram of colchicum per 100 cubic centimeters; the tincture of belladonna leaves yielded 0.57 gram of alkaloids per 100 cubic centimeters, whereas the pharmacopoeia requires that tincture of belladonna shall yield not more than 0.033 gram of the alkaloids of belladonna per 100 cubic centimeters; the tincture of hyoscyamus yielded 0.0109 gram of alkaloids per 100 cubic centimeters, whereas the pharmacopoeia provides that it yield not more than 0.0075 gram of alkaloids per 100 cubic centimeters; the tincture of colchicum seed yielded 0.077 gram of colchicine per 100 cubic centimeters, whereas the pharmacopoeia specifies that tincture of colchicum should yield not more than 0.044 gram of colchicine per 100 cubic centimeters.

Adulteration of the elixir digitalin compound was alleged for the reason that its strength fell below the professed standard under which it was sold, namely, "Each fluid drachm contains * * * Strychnine Sulphate 1-50 gr.; Nitroglycerin 1-100 gr.", since it contained not more than 1/69 grain of strychnine sulphate and 1/190 grain of nitroglycerin per fluid dram.

The libels alleged that certain of the products were misbranded because of the following false and misleading statements on the labels: (Tincture of strophanthus) "Tinct, strophanthus, U. S. P.", (fluidextract of hyoscyamus), "Standard-0.055 to 0.075% alkaloids"; (fluidextract of colchicum seed) "Fluid Extract Colchicum Seed, U. S. P. * * * Standard of Strength-0.36-0.44% of Colchicine"; (tincture of hyoscyamus) "Tinct, Hyoscyamus, U. S. P."; (elixir pepsin, bismuth, and strychnia) "Each fluid drachm containing one grain Pure Pepsin"; (elixir digitalin compound) "Each fluid drachm contains: * * * Strychnine Sulphate 1-50 gr.; Nitroglycerin 1-100 gr."; (tincture of colchicum seed) "Tinct. Colchicum Seed, U. S. P.", (wine ergot) "alcohol 13%."

Misbranding of the wine ergot was alleged for the further reason that the package failed to bear on the labeling a statement of the quantity or proportion of alcohol contained in the article, since the product contained more alcohol than declared, namely, 27.23 percent. Misbranding of the tincture of strophanthus was alleged for the further reason that the following statements in the labeling regarding its curative and therapeutic effects, "A powerful cardiac stimulant, acts more powerfully on the heart than digitalis. * * * Dose of the Tincture-1 to 10 minims (0.065 to 0.55 Cc.) administered cautiously (sic)" were false and fraudulent.

On April 2, 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.*