

false and misleading. Misbranding of the tincture ferric citro-chloride and the elixir gentian and iron was alleged for the further reason that they contained alcohol and the label of the packages failed to bear a statement of the quantity and proportion of the alcohol contained therein.

On July 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

23227. Adulteration and misbranding of elixir pepsin, bismuth, and strychnine; belladonna solid extract; solid extract nux vomica; elixir tonga and salicylates; citrine ointment; ointment resorcin compound; tincture opium camphorated; powdered extract belladonna, and misbranding of pentabromides. U. S. v. The Wm. S. Merrell Co. Plea of guilty. Fine, \$170. (F. & D. no. 31322. Sample nos. 3780-A, 3795-A, 3796-A, 4103-A, 4142-A, 4143-A, 8571-A, 8655-A, 8656-A.)

This case was based on interstate shipments of belladonna solid extract, solid extract nux vomica, elixir tonga and salicylates, citrine ointment, ointment resorcin compound, tincture opium camphorated, and powdered extract belladonna, products recognized in the United States Pharmacopoeia or the National Formulary, which fell below the standard laid down in those authorities, and in some instances contained therapeutic agents in amounts differing from those declared on the label. There was also included one lot of elixir pepsin, bismuth and strychnine that contained less bismuth and sodium tartrate than declared on the label, and one lot of pentabromides that contained the combined bromides of sodium, potassium, lithium, calcium and ammonium, greatly in excess of the amount declared.

On September 17, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wm. S. Merrell Co., a corporation, Cincinnati, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about January 20 and April 13, 1932, from the State of Ohio into the State of New York, of quantities of powdered extract of belladonna and tincture opium camphorated, which were adulterated and misbranded; on or about March 14, 1932, from the State of Ohio into the State of Pennsylvania, of a quantity of pentabromides which were misbranded; and on or about June 30, 1932, from the State of Ohio into the States of Illinois and Kentucky, of quantities of elixir pepsin, bismuth and strychnine, belladonna solid extract, solid extract nux vomica, elixir tonga and salicylates, citrine ointment, ointment resorcin compound, which were adulterated and misbranded. The articles were labeled in part: "The Wm. S. Merrell Company, Cincinnati, Ohio."

The information charged adulteration of certain of the products in that they were sold under names recognized in the United States Pharmacopoeia or the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said authorities official at the time of investigation, in the following respects:

Belladonna solid extract yielded less than 1.18 percent, namely, not more than 0.70 percent of the alkaloids of belladonna leaves; whereas the pharmacopoeia provides that extract of belladonna shall yield not less than 1.18 percent of the alkaloids of belladonna leaves.

Solid extract nux vomica yielded less than 15.2 percent, namely, not more than 12.84 percent of the alkaloids of nux vomica; whereas the pharmacopoeia provides that extract of nux vomica shall yield not less than 15.2 percent of the alkaloids of nux vomica.

Tincture opium camphorated contained less than 0.4 gram, namely, not more than 0.317 gram, of anhydrous morphine per 1,000 cubic centimeters; whereas the pharmacopoeia provides that tincture camphorated opium shall contain not less than 0.4 gram of anhydrous morphine per 1,000 cubic centimeters.

Powdered extract belladonna yielded less than 1.18 percent, namely, not more than 0.83 percent of the alkaloids of belladonna leaves; whereas the pharmacopoeia provides that extract of belladonna shall yield not less than 1.18 percent of the alkaloids of belladonna leaves.

Elixir tonga and salicylates contained more than 70 grams, namely, not less than 77 grams of sodium salicylate per 1,000 cubic centimeters; whereas the National Formulary provides that elixir tonga and salicylates shall contain not more than 70 grams of sodium salicylate per 1,000 cubic centimeters.

Citrine ointment contained more than 7 grams, namely, not less than 8.07 grams of mercury for 100 grams of ointment; whereas the National Formulary

provides that citrine ointment shall contain not more than 7.0 grams of mercury in each 100 grams.

Ointment resorcin compound contained less than 60 grams, namely, not more than 46.4 grams of zinc oxide per 1,000 grams of ointment and less than 60 grams, namely, not more than 45.8 grams of bismuth subnitrate per 1,000 grams of ointment; whereas the National Formulary provides that compound resorcin ointment, i. e., compound resorcinol ointment, shall contain in 1,000 grams not less than 60 grams of zinc oxide and not less than 60 grams of bismuth; and the standard of strength, quality, and purity of the said articles was not declared on the containers thereof.

Adulteration of certain of the products was alleged in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: (Elixir pepsin, bismuth, and strychnine) Each fluid ounce was represented to contain 8 grains of bismuth and sodium tartrate; whereas each fluid ounce contained less than 8 grains, namely, not more than 2.6 grains of bismuth and sodium tartrate.

(Belladonna solid extract) The article was represented to be belladonna solid extract which conformed to the standard laid down in the pharmacopoeia, and to contain not less than 1.18 percent of the alkaloids of belladonna leaves; whereas it did not conform to the pharmacopoeia, and contained less than 1.18 percent, namely, not more than 0.70 percent, of the alkaloids of belladonna leaves.

(Solid extract nux vomica) The article was represented to contain not less than 15.2 percent of the total alkaloids of nux vomica; whereas it contained less than 15.2 percent, namely, not more than 12.84 percent of the total alkaloids of nux vomica.

(Elixir tonga and salicylates) The article was represented to conform to the standard laid down in the National Formulary, and to contain in each 1,000 cubic centimeters 70 grams of sodium salicylate; whereas it did not conform to the said formulary, and 1,000 cubic centimeters contained more than 70 grams, namely, not less than 77 grams of sodium salicylate.

(Citrine ointment) The article was represented to conform to the standard laid down in the National Formulary, and to contain 7 percent of mercury; whereas it did not conform to the said formulary, and contained more than 7 percent, namely, not less than 8.07 percent of mercury.

(Ointment resorcin compound) The article was represented to conform to the standard laid down in the National Formulary; whereas it did not.

(Tincture opium camphorated) The article was represented to conform to the standard laid down in the pharmacopoeia, and to contain 1.82 grains of powdered opium per fluid ounce; whereas it did not conform to the pharmacopoeia, and contained less than 1.82 grains, namely, not more than 1.45 grains, of powdered opium per fluid ounce.

(Powdered extract belladonna) The article was represented to conform to the standard laid down in the pharmacopoeia and to contain not less than 1.18 percent of the alkaloids of belladonna leaves; whereas it did not conform to the pharmacopoeia, and contained less than 1.18 percent, namely, not more than 0.83 percent, of the alkaloids of belladonna leaves.

Misbranding was alleged for the reason that the following statements appearing on the labels, were false and misleading: (Elixir pepsin, bismuth, and strychnine) "Each fluidounce represents * * * Bismuth and Sodium Tartrate 8 grs."; "Belladonna Solid Extract U. S. P. * * * Assay standard—1.18% to 1.32% of the Alkaloids of Belladonna Leaves"; (solid extract nux vomica) "Assay standard, 15.2 to 16.8 per cent total alkaloids"; "Elixir Tonga and Salicylates N. F. * * * Each Fl. Oz. represents * * * 32 grs. Sodium Salicylate * * * 10 cc. represents * * * Sodium Salicylate, 7.0 Gms."; "Citrine Ointment N. F. * * * Mercury 7%"; "Ointment Resorcin Compound N. F."; "Tincture Opium Camphorated U. S. P. * * * Powdered Opium, 1.82 gr. per Fl. Oz."; "Powdered Extract Belladonna U. S. P. * * * Assay standard 1.18% to 1.32% of the alkaloids of Belladonna Leaves." Misbranding of the pentabromides was alleged for the reason that the statement, "Each fluidounce represents 15 grains of the combined Bromides of: Sodium Potassium Lithium Calcium Ammonium", borne on the label, was false and misleading, since each fluid ounce contained more than 15 grains, namely, not less than 107.85 grains of the combined bromides of sodium, potassium, lithium, calcium, and ammonium.

On October 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$170.

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

23228. Adulteration and misbranding of fluidextract of colchicum. U. S. v. Samuel Evans Massengill, M. D. (The S. E. Massengill Co.). Plea of guilty. Fine, \$150. (F. & D. no. 30317. Sample no. 5972-A.)

This case was based on a shipment of fluidextract of colchicum which was represented to be of pharmacopoeial standard but which differed from said standard since it yielded colchicum in an amount in excess of the amount provided by the United States Pharmacopoeia.

On March 20, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Evans Massengill, M. D., trading as the S. E. Massengill Co., Bristol, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 18, 1932, from the State of Tennessee into the State of Ohio, of a quantity of fluidextract of colchicum which was adulterated and misbranded. The article was labeled in part: "Fluidextract Colchicum, U. S. P. Colchicum Autumnale * * * Standard 0.36 to 0.44 Gm. Colchicine per 100 cc * * * The S. E. Massengill Company * * * Bristol, Tenn.-Va."

The article 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 said pharmacopoeia official at the time of investigation, in that it yielded more than 0.44 gram of colchicine per 100 cubic centimeters, namely, not less than 0.634 gram of colchicine per 100 cubic centimeters; whereas the pharmacopoeia provides that fluidextract of colchicum shall yield not more than 0.44 gram of colchicine per 100 cubic centimeters; and the standard of the strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of colchicum which conformed to the standard laid down in the United States Pharmacopoeia, and was represented to contain not more than 0.44 gram of colchicine per 100 cubic centimeters; whereas it did not conform to the standard laid down in the said pharmacopoeia and contained more than 0.44 gram of colchicine per 100 cubic centimeters.

Misbranding was alleged for the reason that the statement, "Fluidextract Colchicum, U. S. P. * * * Standard 0.36 to 0.44 Gm. Colchicine per 100 cc", borne on the label, was false and misleading.

On September 17, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$150.

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

23229. Misbranding of white pine expectorant. U. S. v. 123 Bottles of White Pine Expectorant. Default decree of condemnation and destruction. (F. & D. no. 30806. Sample no. 42962-A.)

This case was based on an interstate shipment of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On August 1, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 123 bottles of white pine expectorant at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1932, and January 25, 1933, by the Hallock-Denton Co., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of extracts of plant drugs, tar, chloroform, sugar, alcohol, and water.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Bottle) "For Bronchitis Coughs * * * Croup, Etc."; (carton) "For Bronchitis, Coughs * * * Croup, Etc. * * * for Coughs * * * &c."

On October 29, 1934, the petition and answer of the Hallock-Denton Co., the sole intervenor, having been withdrawn, judgment of condemnation was entered and destruction of the product was ordered.

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