

meters, equivalent to 0.33 grain per fluid ounce, and not more than 13.4 percent of alcohol by volume; whereas the formulary provides that the product should contain quinine sulphate and strychnine in a quantity equivalent to not less than 6.64 grams of anhydrous quinine and strychnine per 1,000 cubic centimeters, equivalent to 3.03 grains per fluid ounce, and not less than 17.85 percent of alcohol by volume; the elixir triple bromides contained less than 80 grams, namely, not more than 67.42 grams of ammonia bromide, and less than 160 grams, namely, not more than 147 grams of potassium bromide and sodium bromide combined per 1,000 cubic centimeters; whereas the formulary provides the elixir triple bromides should contain not less than 80 grams each of ammonia bromide, potassium bromide, and sodium bromide per 1,000 cubic centimeters; and the standard of strength, quality, and purity of the articles was not declared on the container. The said products were alleged to be further adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects: (Syrup hypophosphites compound) Each fluid ounce was represented to contain 1 grain of quinine hypophosphites and  $\frac{1}{8}$  grain of strychnine hypophosphites, whereas each fluid ounce contained less than 1 grain of quinine hypophosphites and less than  $\frac{1}{8}$  grain of strychnine hypophosphites; (elixir iron pyrophosphites, quinine and strychnine) each fluid ounce was represented to contain 4 grains of quinine sulphate,  $\frac{1}{8}$  grain of strychnine, and 20 percent of alcohol, whereas each fluid ounce contained less than 4 grains of quinine sulphate, less than  $\frac{1}{8}$  grain of strychnine and less than 20 percent of alcohol; (elixir triple bromides) each fluid ounce was represented to contain 40 grains of bromide ammonia, bromide potassium, and bromide sodium, whereas each fluid ounce contained less than 40 grains each of bromide ammonia, bromide potassium, and bromide sodium.

Misbranding of the fluidextract hydrastis aqueous was alleged for the reason that the statement, "Fluid Extract Hydrastis Can. Aqueous", borne on the label was false and misleading, since the article was a weak alcoholic solution of hydrastis; and for the further reason that it contained alcohol and the label on the bottle failed to bear a statement of the quantity and proportion of alcohol contained therein.

Misbranding of the remaining products was alleged in that the following statements in the labelings, were false and misleading: "Syrup Hypophosphites Compound Each Fluid Ounce Contains Quinine Hypophosphites 1 grain Strychnine Hypophosphites  $\frac{1}{8}$  Grain"; "Elixir Iron Pyrophosphites, Quinine and Strychnine Each fluid ounce contains: Quinine Sulphate 4 grains Strychnine  $\frac{1}{8}$  grain Alcohol 20%"; "Elixir Triple Bromides Each Ounce Contains: Bromide Ammonia 40 Grains, Bromide Potassium 40 Grains and Bromide Sodium 40 Grains."

Misbranding was alleged for the further reason that certain statements on the labels, regarding the curative and therapeutic effects of the articles, falsely and fraudulently represented that they were effective (fluidextract hydrastis aqueous) as a treatment, remedy, and cure for leucorrhoea, gonorrhoea, balanitis, cystitis, catarrh of the stomach and intestines; (syrup hypophosphites compound) as a treatment, remedy, and cure for the simple anaemia of youth, acute diseases, grave cachexia of phthisis and other forms of tubercular diseases; (elixir iron pyrophosphites, quinine, and strychnine) as an anti-periodic; and as a treatment of cases of lassitude and debility induced by malarial states of the system; and effective as an invigorant in convalescence from fevers and cases of anaemia and in some forms of dyspepsia where the tone of the digestive organ is lacking; (elixir triple bromides) to control vomiting of cerebral congestion; and effective as a treatment in pregnancy, and for flatulent colic, crying and restlessness in young children, irregular heart action, hysteria, Graves' disease, cerebral congestion, insomnia, mental fatigue, and delirium in disease.

On September 25, 1934, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$200 and costs.

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

**23237. Misbranding of Cal-Spa Mineral Water. U. S. v. (Dr.) Everette H. Hobson, Robert U. Bronson, and James G. LeQuime (Natural Products Co.). Pleas of guilty. Fines, \$900. (F. & D. no. 31456. Sample nos. 30981-A, 40113-A.)**

This case was based on shipments of mineral water, the labels of which contained unwarranted curative and therapeutic claims. Analyses showed that the product contained less potassium iodide than declared on the label.

On June 29, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against (Dr.) Everette H. Hobson, Robert U. Bronson, and James G. LeQuime, copartners trading as the Natural Products Co., Eugene, Oreg., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 25, 1933, from the State of Oregon into the States of Washington and Ohio, of quantities of Cal-Spa Mineral Water which was misbranded. The article was labeled in part: "Cal-Spa Mineral Water The Natural Calcium Tonic \* \* \* Certified Analysis Grains Per U. S. Gallon \* \* \* Potassium Iodide 106.00 \* \* \* Natural Products Company, Eugene, Oregon."

Analyses of a sample from each shipment showed (1) the water contained salts of calcium and sodium and 2 grains of potassium iodide per gallon; (2) a water solution of the salts of calcium, magnesium, potassium, and sodium with chloride and iodide, the total iodine calculated to potassium iodine being 1.4 grains per gallon.

The information charged misbranding in that certain statements regarding the curative and therapeutic effects of the article, borne on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney ailments, stomach disorders, pulmonary infection, skin eruptions, hay fever, catarrh, rheumatism, goiter, nervousness, and very run-down conditions; effective as a general tonic in regaining and maintaining normal health; effective as a corrector of acidity; effective to eliminate poisons; and effective as a tonic. Misbranding was alleged for the further reason that the statement, "Certified Analysis Grains per U. S. Gallon \* \* \* Potassium Iodide 106.00", borne on the bottle label, was false and misleading, since each United States gallon of the article contained less than 106 grains of potassium iodide.

On October 23, 1934, the defendants entered pleas of guilty and the court imposed a fine of \$300 against each defendant, a total of \$900.

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

**23238. Misbranding of Cal-Spa Mineral Water. U. S. v. James G. LeQuime. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31457. Sample no. 23040-A.)**

This case was based on a shipment of mineral water, the label of which contained unwarranted curative and therapeutic claims.

On September 14, 1934, the Grand Jurors of the United States, presented in the United States District Court for the Western District of Washington, an indictment against James G. LeQuime, Seattle, Wash., charging shipment by said defendant, on or about March 1, 1933, from the State of Washington into the State of California, of a quantity of Cal-Spa Mineral Water which was misbranded. The article was labeled in part: "Cal-Spa \* \* \* Mineral Water. \* \* \* Natural Products Co., Eugene, Oregon."

Analysis of a sample showed that the product was a water solution of the salts of calcium, magnesium, potassium, and sodium with chloride and iodide, the total iodine calculated to potassium iodide being 1.75 grains per United States gallon.

Misbranding was charged in the indictment in that certain statements, designs, and devices on the bottle label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney ailments, stomach disorders, pulmonary infection, skin eruptions, hay fever, catarrh, rheumatism, goiter, nervousness, and very run-down conditions; effective as a general tonic in regaining and maintaining normal health; effective as a corrector of acidity; effective to eliminate poisons; and effective as a tonic.

On October 1, 1934, the defendant was arraigned, pleaded guilty, and was sentenced to pay a fine of \$100 and costs.

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

**23239. Misbranding of Cre-Cal-Co. U. S. v. Creo-Chemical Co. and William M. Morgan. Pleas of guilty. Fine, \$50. (F. & D. no. 31461. Sample no. 26888-A.)**

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

On April 30, 1934, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district