22374. Misbranding of Acco Aspirin Tablets. U. S. v. 103 Cartons of Acco Aspirin Tablets. Default decree of destruction. (F. & D. no. 32538. Sample no. 39350–A.)

This case involved a shipment of aspirin tablets which were labeled with unwarranted curative and therapeutic claims.

On April 13, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 103 cartons of Acco aspirin tablets at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about March 2, 1934, by the Feldman-Martin Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements appearing in circulars shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: (Circular headed "Acco Genuine Aspirin") "It is highly recommended for the relief of * * * Painful Periods, Rheumatic Conditions * * * and similar ailments * * * Directions for Use * * * Painful Periods, etc. Two tablets one hour after meals, repeated in an hour if not completely relieved. Toothache, Earache; Same Dosages as for Headache. Rheumatism, Lumbago: One or two tablets 3 times daily, one hour after each meal. Sciatica * * * Two tablets 3 times daily, one hour after each meal"; (circular headed "Acco The Safe Aspirin in the New, etc.") "Directions for Use: We recommend the use of 'Acco' Aspirin tablets for * * * Lumbago * * * Toothache, Earache, Sciatica and similar ailments * * * Rheumatism, Lumbago: One or two tablets 3 times daily one hour after each meal. Sciatica, * * * Two tablets 3 times daily, one hour after each meal. Toothache, Earache: Two tablets one hour after meals, repeated in an hour if not completely relieved."

On May 7, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

22375. Adulteration and misbranding of spirit of niter. U. S. v. 60 Bottles of Spirit of Nitre, U. S. P. Default decree of condemnation and destruction. (F. & D. no. 32573. Sample no. 54692–A.)

This case involved a product labeled to convey the impression that it was sweet spirit of niter, a synonym for ethyl nitrite, a drug recognized in the United States Pharmacopœia. Three samples of the article were found upon analysis to contain 2.89 percent, 2.29 percent, and 0.53 percent of ethyl nitrite, whereas the pharmacopœia requires that spirit of ethyl nitrite shall contain not less than 3.5 percent of ethyl nitrite. All samples were found to contain less than 19 minims of ethyl nitrite, the amount declared on the carton, and one of the samples contained less than 10 minims of ethyl nitrite, the amount declared on the bottle label.

On April 19, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of spirit of niter at Norfolk, Va., alleging that the article had been shipped in interstate commerce, on or about November 27, 1933, by McCormick & Co., Inc., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the standard or quality under which it was sold, namely: (Carton) "Spirit of Nitre U. S. P. Each Fluid Ounce contains 19 Min. Ethyl Nitrite."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Bottle) "Spts. Nitre U. S. P. * * * Contains 10 Min. Ethyl Nitrite per fl. oz."; (carton) "Spirit of Nitre U. S. P. Each Fluid Ounce Contains 19 Min. Ethyl Nitrite."

On May 18, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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