

Rico, of quantities of Osmo Kaolin which was misbranded. The article was labeled in part: (Box) "'Osmo' Kaolin (Morson) A Pure, Sterile Colloidal Kaolin * * * U. S. Agents—E. Fougera & Co., Inc., * * * New York, N. Y."

Analyses of samples of the article by this Department showed that it consisted of a fine, soft clay containing no organic material nor any mineral salts.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the label falsely and fraudulently represented that it was effective as an invaluable treatment of disorders arising from intestinal infection by bacteria; effective to absorb the toxins arising from intestinal infection; effective to eliminate the toxins arising from intestinal infection readily, quickly, and safely, without harm to the system; effective as a treatment, remedy, and cure for dysentery, cholera, diarrhoea, ulcerative colitis, rheumatism, gout and intestinal stasis; effective when employed in the preparation of cataplasmata to remove oedema, relieve pain and swelling of local inflammation; and effective to absorb irritant discharges.

On April 4, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$375.

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

22179. Adulteration and misbranding of citrate of magnesia. U. S. v. Druggist Magnesia Corporation, Bernard Kleinschmidt, Louis Kleinschmidt, William Wohlers, and Max Frei. Pleas of guilty. Fines, \$150 imposed on each count against each defendant. Louis Kleinschmidt and Bernard Kleinschmidt paid \$450 each. Remaining fines suspended. (F. & D. no. 27520. I. S. nos. 20121, 38162, 38733.)

This case was based on shipments of citrate of magnesia which was deficient in acidity and total citric acid. Sample bottles taken from each of the shipments were found to contain less than the declared volume.

On February 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Druggist Magnesia Corporation, and Bernard Kleinschmidt, Louis Kleinschmidt, William Wohlers, and Max Frei, proprietors of the said corporation, alleging shipment by said defendants, on or about February 13, July 17, and October 16, 1931, from the State of New York into the State of Connecticut, of quantities of citrate of magnesia which was adulterated and misbranded. Portions of the article were labeled in part: (Blown in bottle) "Solution Citrate Magnesia"; (bottle cap) "Citrate of Magnesia U. S. P. Contents 11½ Fluid Oz." The remainder was labeled in part: (Blown in bottle) "Citrate of Magnesia Solution Citrate Magnesia"; (bottle cap) "D Contents 11½ Fluid Ounces U. S. P. X."

It was alleged in the information that the article was 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 required less than 9.5 cubic centimeters (8.4 cc, 8.09 cc, and 8.37 cc, respectively) of half-normal sodium hydroxide for neutralization of the acid in 10 cubic centimeters of the article, and less than 28 cubic centimeters (25 cc, 25.95 cc, and 26.89 cc, respectively) of half-normal sulphuric acid for neutralization of the ash of 10 cubic centimeters of the article, whereas the pharmacopoeia provides that 10 cubic centimeters of solution of magnesium citrate, to wit, citrate of magnesia, shall require not less than 9.5 cubic centimeters of half-normal sodium hydroxide for neutralization of the acid, and that 10 cubic centimeters shall require not less than 28 cubic centimeters of half-normal sulphuric acid for neutralization of the ash; and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding was alleged for the reason that the statements, "Solution Citrate of Magnesia", "Citrate of Magnesia U. S. P." with respect to portions of the article, and "Citrate of Magnesia, Solution Citrate Magnesia", with respect to the remainder and the statement, "Contents 11½ Fluid Ounces", with respect to all lots, were false and misleading, since the article was not citrate of magnesia which conformed to the tests laid down in the United States Pharmacopoeia and the bottles contained less than 11½ fluid ounces of the article.

On February 13, 1934, the Druggist Magnesia Corporation, Louis Kleinschmidt, and William Wohlers entered pleas of guilty, and were each sentenced

to pay a fine of \$150 on each of the 6 counts of the information. Payment was suspended, except as to Louis Kleinschmidt with respect to 3 counts on which he paid a fine of \$450. On February 19, 1934, defendant Max Frei pleaded guilty and was fined \$150 on each of 6 counts. Payment was, however, suspended and defendant placed on probation for 1 year. On March 9, 1934, defendant Bernard Kleinschmidt pleaded guilty and was fined \$150 on each count, and payment was suspended as to all but 3 counts. Total fines paid were \$900.

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

22180. Misbranding of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxatives. U. S. v. Rainey Drug Co. Plea of guilty. Fine, \$200. (F. & D. no. 28116. I. S. nos. 35514, 40369.)

Examination of the drug products covered by this case disclosed that they contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rainey Drug Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 2 and July 13, 1931, from the State of Illinois into the State of Missouri, of quantities of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxatives which were misbranded. The articles were labeled, variously, "Dr. Rainey's Vitality Tablets"; "Dr. Rainey's Laxatives"; "Free Sample Dr. Rainey's Laxative Tablets"; "The Dr. Rainey Drug Co. Chicago, U. S. A."

Analyses of samples of the articles by this Department showed that the Vitality Tablets consisted of uncoated tablets, containing calcium carbonate, metallic iron, extracts of plant drugs including cinchona and nux vomica, and iron (ferrous) carbonate; and that the Laxatives (tablets) consisted of uncoated tablets containing calcium carbonate, extracts of plant drugs including nux vomica and a laxative drug, and a small proportion of an iron compound.

It was alleged in the information that the Vitality Tablets were misbranded in that certain statements on the box and in the circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that the article was effective as a treatment, remedy and cure for anaemia, nervous debility, indigestion, lost vitality, neurasthenia and all conditions where a tonic to the heart, nerves, stomach, and blood is required; effective as a general tonic to the stomach and heart, kidneys, and liver, to restore vitality, health, strength, and vigor; effective as a treatment, remedy, and cure for stomach trouble, ailments of the blood, ailments of the nerves, ailments of the heart, catarrh and thinness; effective to enrich the blood, build up the nervous system, generate vitality, create nerve force and restore full strength and vigor; effective as a remedy for strengthening vitality and as a tonic to the stomach, nerves, heart, and blood; and effective to strengthen every organ in the body.

Misbranding of the full-sized bottle of Dr. Rainey's Laxatives was alleged for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the bottle label and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for indigestion and torpid liver; effective to relieve catarrh of the stomach and digestive organs, and a torpid, enlarged, or congested liver; effective as a treatment, remedy, and cure for sickness and foul breath; effective to put sparkle in the eyes and tone up the whole system; effective to aid the natural function of the bowels, to restore the normal tone to the muscular coating, and to correct constipation and prevent troubles of still more dangerous character.

Misbranding of the sample bottle of Dr. Rainey's Laxatives was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the box and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for liver and bowel troubles; effective to put sparkle in the eyes and tone up the whole system; effective to aid the natural function of the bowels, to restore the normal tone to the muscular coating, and to correct constipation and prevent troubles of still more dangerous character.

On February 14, 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.*