

pigs; effective as a treatment following vaccination to put stock hogs in good shape; and effective as a treatment for necro and flu.

On January 23, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs.

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

**21808. Adulteration and misbranding of National Antacid Powder, codeine sulphate tablets, and cinchophen tablets. U. S. v. National Drug Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 30301. Sample nos. 7552-A, 8198-A, 13096-A, 15782-A.)**

This case was based on interstate shipments of codeine sulphate tablets and cinchophen tablets that contained less codeine sulphate and cinchophen, respectively, than was declared on the labels; and of Antacid Powder that contained a smaller proportion of bismuth subcarbonate than was declared on the label.

On November 24, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Drug Co., a corporation, Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 31, 1932, from the State of Pennsylvania into the State of New Jersey, of a quantity of codeine sulphate tablets; on or about May 3 and May 17, 1932, from the State of Pennsylvania into the State of South Carolina and the District of Columbia, respectively, of quantities of Antacid Powder; and on or about August 15, 1932, from the State of Pennsylvania into the State of New York, of a quantity of cinchophen tablets, which were adulterated and misbranded. The articles were labeled in part: "National Antacid Powder Bismuth Subcarbonate 1 part, Sodium Bicarbonate 2 parts, Calcium Carbonate (precip.) 2 parts, Magnesium Oxide Light 2 parts Manufactured and Guaranteed By the National Drug Co. Philadelphia, Pa."; "Tablet Triturates Codeine Sulphate \* \* \*  $\frac{1}{8}$  Grain in each tablet"; "Compressed Tablets Cincophen \* \* \* 5 Grains."

Analyses of samples of the National Antacid Powder by this Department showed that one sample contained 13 percent less bismuth subcarbonate and another sample 18 percent less than was represented on the label; that the codeine sulphate tablets contained 12 percent less codeine sulphate than represented by the label; and that the cinchophen tablets contained 12 percent less cinchophen than was represented by the label.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the label of the Antacid Powder represented that bismuth subcarbonate was one-seventh of the article, whereas bismuth subcarbonate was less than one-seventh of the article; each of the codeine sulphate tablets was represented to contain  $\frac{1}{8}$  grain of codeine sulphate, whereas each of the tablets contained not more than 0.112 grain ( $\frac{1}{9}$  grain) of codeine sulphate; and each of the cinchophen tablets was represented to contain 5 grains of cinchophen, whereas each tablet contained less than 5 grains of cinchophen, namely, not more than 4.38 grains of cinchophen.

Misbranding was alleged for the reason that the statements, "Bismuth Subcarbonate 1 part", with respect to the Antacid Powder, "Codeine Sulphate \* \* \*  $\frac{1}{8}$  Grain in each tablet", with respect to the codeine sulphate tablets; and "Tablets Cincophen \* \* \* 5 Grains", with respect to the cinchophen tablets, were false and misleading.

On January 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$75.

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

**21809. Misbranding of Feminex. U. S. v. 44 Large and 94 Small Packages of Feminex. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30463. S. no. 23412-A.)**

Examination of the drug preparation, Feminex Tablets, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed in the labeling that the article would have no bad after-effects and that it was safe, whereas it contained drugs which might have bad after-effects and which might be dangerous. The article also contained acetphenetidid and the label failed to declare that acetphenetidid is a derivative of acetanilid.

On May 16, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 138 packages of Fem-inex at San Francisco, Calif., alleging that the article had been shipped in inter-state commerce on or about April 29, 1933, by Drug Store Products, Inc., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample taken from this consignment showed that the article consisted essentially of tablets, each of which contained acetphenetidin (a derivative of acetanilid, 2.4 grains), acetylsalicylic acid, (2.3 grains), and caffeine and phenolphthalein in small amounts.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Bottle label) "Acts \* \* \* with no bad after effects, Feminx Tablets give \* \* \* safe relief"; (carton) "Acts \* \* \* with no bad after effects \* \* \* safe"; (circular) "Safe, reliable \* \* \* to its safe reliability \* \* \* It acts \* \* \* safely and without bad after effects whatsoever."

Misbranding was alleged for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of the derivative of acetanilid contained in the article, since the declaration concerning the content of acetphenetidin in the tablets did not include the information that acetphenetidin is a derivative of acetanilid.

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Feminx \* \* \* For Pain Feminx \* \* \* For Pain give prompt yet safe relief from \* \* \* Backache, Periodic Pain \* \* \* Etc. without bad after effects on the heart or stomach. Specially developed for women and girls who seek \* \* \* effective relief from \* \* \* backache, periodic pain, neuritis, etc. \* \* \* the formula is \* \* \* sure \* \* \* recommended to women and girls because of its important and exclusive advantages in relieving pains that discomfort women, such as \* \* \* backache, periodic pain, etc."; (bottle) "Feminx \* \* \* Backache, Periodic Pain, Neuritic, \* \* \* Etc. without bad after-effects on the heart or stomach. \* \* \* is recommended to women and girls because of its important exclusive advantages in relieving pains such as \* \* \* backache, periodic pain, etc."; (circular) "Feminx Relieves Pain One Woman Tells Another \* \* \* Feminx is \* \* \* recommended for properly relieving \* \* \* backache, periodic pain \* \* \* toothache, rheumatism, neuritis, etc. Dose: 1 or 2 tablets, followed by one tablet in an hour, if necessary \* \* \* relieve \* \* \* medicines-for-relieving-pain \* \* \* 'pain relieving qualities' \* \* \* to obtain effective results. \* \* \* Feminx not only relieves pain \* \* \* but actually relieves the after effect of pain \* \* \* any pain is always followed by constipation in proportion to the severity of the pain \* \* \* relieves the intestinal stasis (a form of constipation) always present as an after effect of pain. \* \* \* It is recommended particularly to women and girls \* \* \* in relieving any expected headache, backache, periodic pain, etc. which women and physicians know are the most difficult of all pains to regularly relieve without fail. The reason such pains are difficult to relieve, is that the feminine system soon and easily becomes 'tolerant' of the ordinary analgesic. That is, the medicine ceases to be effective. The cause of this intestinal stasis (a form of constipation). \* \* \* Feminx is always effective for relieving pain. \* \* \* for all pains \* \* \* in relieving pain in and around the teeth. When a tooth is painful \* \* \* for pains \* \* \* not only relieving pain \* \* \* but also the after effects of pain"; (tin box label) "Feminx Relieves Pain One Woman Tells Another Feminx is Recommended for \* \* \* Periodic Pain \* \* \* Backache Toothache—Rheumatism—Neuritis."

On August 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture 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.*

**21810. Misbranding of Mineral Wells Crystals. U. S. v. 80 Cartons of Mineral Wells Crystals. Default decree of condemnation and destruction. (F. & D. no. 30567. Sample no. 41592-A.)**

Examination of the drug preparation, Mineral Wells Crystals, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in a circular shipped with the article.

On June 8, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district