

On September 28, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 72 packages of Nestor emulsion of pure cod liver oil at Louisville, Ky., alleging that the article had been shipped on or about March 4, 1932, by the Nestor Drug & Chemical Co., from Chicago, Ill., to Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The shipping package was labeled in part: "25% Bourbon Whiskey Equal to 12½% Alcohol"; the bottle bore the statement, "Contains 6% Alcohol."

Analysis of a sample of the article by this Department showed that it consisted essentially of an emulsion containing chiefly cod-liver oil (42.7 percent), small proportions of calcium hypophosphite, sodium hypophosphite, phosphoric acid, yolk of egg, (alcohol 3.76 percent), and water, flavored with methyl salicylate.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, "Cod Liver Oil 50% * * * 6% Alcohol."

Misbranding was alleged for the reason that the statement on the shipping carton, "25% Bourbon Whiskey Equal to 12½% Alcohol", and on the bottle label, "This Preparation Contains 6% Alcohol * * * Formula Cod Liver Oil 50%", were false and misleading and deceived purchasers. Misbranding was alleged for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the statements made were incorrect, and for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label) "A reliable preparation for many forms of Pulmonary Diseases and other Lung Troubles, Coughs, * * * and General Debility."

On April 11, 1933, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20906. Adulteration and misbranding of codeine sulphate tablets. U. S. v. Sutliff & Case Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29369. Sample no. 6539-A.)

This case involved an interstate shipment of drug tablets, each represented to contain one fourth grain of codeine sulphate. Samples taken from the shipment were found to contain approximately one tenth grain of codeine sulphate.

On December 29, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Sutliff & Case Co., Inc., Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 3, 1932, from the State of Illinois into the State of Iowa, of a quantity of codeine sulphate tablets that were adulterated and misbranded. The article was labeled in part: "Compressed Tablet Triturates * * * Codeine Sulphate ¼ Gr. * * * Sutliff & Case Co. Manufacturing Chemists, Peoria."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain one fourth grain of codeine sulphate, whereas each tablet contained not more than 0.09 grain, i.e., less than one tenth grain of codeine sulphate.

Misbranding was alleged for the reason that the statement on the label, "Tablet Triturates * * * Codeine Sulphate, ¼ gr.", was false and misleading, since the tablets contained less than one fourth of codeine sulphate.

On April 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20907. Adulteration and misbranding of Iodisks. U. S. v. Buffington's, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 29395. I. S. no. 42898.)

This action was based on an interstate shipment of Iodisks, each of which was represented to contain, among other drugs, three eighths grain of mercuric iodide red. Analysis showed that the article contained less mercuric iodide red than declared. The disks, when dissolved, would not make a solution of the density represented.

On February 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Buffington's, Inc., Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 19, 1932, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Iodisks that were adulterated and misbranded. The article was labeled in part: "Iodisks (Germicidal Discs) * * * Mercuric iodide red $\frac{3}{8}$ gr. * * * One disc dissolved in four ounces of water makes a 1-5000 solution. Buffington's Inc. * * * Worcester, Massachusetts."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each disk was represented to contain three-eighths grain of mercuric iodide red, and one disk dissolved in 4 ounces of water was represented to make a 1:5,000 solution, whereas each disk contained less than three-eighths grain (0.375 grain) of mercuric iodide red, namely, not more than 0.31 grain of mercuric iodide red, and one tablet dissolved in 4 ounces of water made less than a 1:5,000 solution, namely, not more than a 1:5,888 solution.

Misbranding was alleged for the reason that the statements, "Mercuric iodide red $\frac{3}{8}$ gr. * * * One disc dissolved in four ounces of water makes a 1-5,000 solution", borne on the label, were false and misleading.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20908. Misbranding of Rival herb tablets. U. S. v. 78 Boxes of Rival Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29700. Sample no. 4871-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis also showed that the article was not chocolate-coated as claimed.

On January 5, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 78 boxes of Rival herb tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce November 8, 1932, by the Rival Herb Co., from Detroit, Mich., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets consisted essentially of extracts of plant drugs including aloe, podophyllum, and capsicum, coated with calcium carbonate and iron oxide.

It was alleged in the libel that the article was misbranded in that the statement appearing on the labels, "Chocolate Coated", was false and misleading, since the article was coated with calcium carbonate and iron oxide. Misbranding was alleged for the further reason that the following statements, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Shipping carton) "For the Stomach, Liver, Kidneys and Bowels"; (retail carton and tin container) "Aids Digestion, Tones Stomach, Stimulates Liver & Kidneys, Regulates Bowels, * * * Nature's Own Medicine. For Stomach, Liver, Kidneys and Bowels. Directions Adult—Take one Tablet every night at Bedtime—if you are very * * * bilious take two Tablets the first night, then one Tablet each night on retiring. * * * If one Tablet moves the bowels too freely take half Tablet—no two systems are just alike: some require larger doses than others. In order to get the best possible results you should regulate the dose to suit your own case: at least one good healthy action of the bowels daily is necessary. Children—Over five years old from one-half to one Tablet each night according to condition of the bowels"; (circular) "Aiding Nature An Important Duty Exercise, fresh, air, good food, pure water and sound slumber, valuable and necessary as they are, cannot restore a disordered system if the gastro-intestinal apparatus—the organs that convert the food into blood and flesh and bone—are clogged and inactive as a result of long years of wrong living. Here is where science comes to Nature's relief and aids her to do her work in a normal manner. Science has delved into the fields of Chemistry, Botany, Pharmacology, Physiology and other branches of human knowledge, and has found agents that have definite effects upon the various organs of the animal body. Some of these