

merce at New York, N. Y., a quantity of the article for delivery to Jasper, Tex.; and that on or about January 16, 1943, the defendant furnished to the Columbia Medical Laboratories a written instrument to the effect that the guaranties on its invoices, since the Federal Food, Drug, and Cosmetic Act became effective, were to be considered a guaranty under that Act. The information alleged further that the guaranty given by the defendant was false, since the article sold and delivered under the guaranty was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its purity and quality fell below that which it purported and was represented to possess, since it purported to be and was represented to consist of potassium chloride tablets, whereas it consisted of ammonium chloride tablets. It was alleged to be adulterated further in that ammonium chloride tablets had been substituted for potassium chloride tablets.

The article was alleged to be misbranded in that the statement "Potassium Chloride 5 Grains," borne on its label, was false and misleading; and in that it consisted of ammonium chloride and was offered for sale under the name of another drug, potassium chloride.

On August 21, 1944, the defendant having entered a plea of guilty, the court imposed a fine of \$250.

1366. Adulteration and misbranding of solution of epinephrine hydrochloride. U. S. v. Harvey Laboratories, Inc. Plea of nolo contendere. Fine, \$600. (F. D. C. No. 11433. Sample Nos. 57101-F, 57115-F.)

On July 12, 1944, the United States attorney for the Eastern District of Pennsylvania filed an information against the Harvey Laboratories, Inc., Philadelphia, Pa., alleging shipment on or about September 9 and November 8, 1943, from the State of Pennsylvania into the State of New York of a quantity of ampuls of solution epinephrine hydrochloride. The article was labeled in part: (Boxes containing ampuls) "Epinephrine Hydrochloride, Harvey."

The article was alleged to be adulterated in that it purported to be and was represented as solution of epinephrine hydrochloride, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from and its quality fell below the standard set forth in that compendium since its potency was not more than 60 percent of that of the official product; and its difference in strength and quality from the official standard was not plainly stated, or stated at all, on the label.

The article was alleged to be misbranded in that the statement, "Solution Epinephrine Hydrochloride 1:1000," on the ampul label, was false and misleading since the article contained not more than 0.6 part of epinephrine hydrochloride in each 1,000 parts.

On September 6, 1944, a plea of nolo contendere having been entered, a fine of \$150 on each of the 4 counts, a total fine of \$600, was imposed.

1367. Adulteration and misbranding of powdered boracic acid. U. S. v. G. C. Gennert (G. Gennert, New York, N. Y.). Plea of guilty. Fine, \$300. (F. D. C. No. 7203. Sample No. 87105-E.)

On March 30, 1944, the United States attorney for the Southern District of New York filed an information against G. C. Gennert, trading as G. Gennert, New York, N. Y., alleging shipment on or about August 29, 1941, of a quantity of powdered boracic acid from the State of New York into the District of Columbia.

The article was alleged to be adulterated in that a substance, metol, had been mixed and packed with it so as to reduce its quality.

The article was alleged to be misbranded in that the label statement, "Boracic Acid Powdered U. S. P. For Photography," was false and misleading in that the statement represented and suggested that the article conformed with the purpose and object of the United States Pharmacopoeia, namely, that the article, which is recognized in the United States Pharmacopoeia, was fit for medicinal use, whereas the article did not conform with the purpose and object of the United States Pharmacopoeia since it was not fit for medicinal use by reason of the fact that it contained 1.47 percent of metol.

On September 22, 1944, the defendant entered a plea of guilty and was fined \$300.

1368. Adulteration of oil of lemon. U. S. v. Standard Synthetics, Inc. Plea of guilty. Fine, \$100 on each of 5 counts; sentence suspended on 3 remaining counts. (F. D. C. No. 10623. Sample Nos. 11304-F, 11326-F to 11328-F, incl.)

On October 4, 1944, the United States attorney for the Southern District of New York filed an information against the Standard Synthetics, Inc., New

York, N. Y., alleging shipment of a quantity of oil of lemon between the approximate dates of August 19 and December 28, 1942, from the State of New York into the State of California. Portions of the article were labeled in part: "Oil of Lemon Baja Brand," or "Oil of Lemon 'Baja Brand' U. S. P." One lot was invoiced, "Oil of Lemon * * * U. S. P."

A portion of the article was alleged to be adulterated in that it purported to be and was represented as oil of lemon, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from and its quality and purity fell below the official standard since it was not the volatile oil obtained by expression, without the aid of heat, from fresh lemon peel, as required by the Pharmacopoeia, but was a lemon oil distillate or mixture of lemon oil distillates; and its difference from the official standard of strength, quality, and purity was not stated on its label.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On October 13, 1944, a plea of guilty having been entered, the defendant was fined \$100 on each of counts 1, 3, 5, 6, and 8 charging adulteration of the product both as a food and a drug. Imposition of sentence was suspended on counts 2, 4, and 7, which counts charged misbranding of the product as a food.

1369. Adulteration and misbranding of Watkins Vitamins A-B-D-G Tablets, and misbranding of Watkins Cod Liver Extract Tablets. U. S. v. The J. R. Watkins Co. Plea of nolo contendere. Fine, \$60. (F. D. C. No. 11432. Sample Nos. 38808-F, 38809-F.)

On January 23, 1945, the United States attorney for the District of Minnesota filed an information against the J. R. Watkins Co., a corporation, Winona, Minn., alleging shipment of quantities of the above-named products during the month of April 1943, from the State of Minnesota into the State of Illinois.

Analysis of the Watkins Cod Liver Extract Tablets disclosed that the article contained 3,465 U. S. P. units of vitamin A and 314 U. S. P. units of vitamin D per tablet. In addition, the article was represented to contain 1 grain of dicalcium phosphate per tablet.

The article was alleged to be misbranded because of misleading statements in an accompanying circular which represented and implied that defective bone and tooth formation, poor health, improper growth, lack of resistance to common cold symptoms, and similar minor infections, dry skin, lack of vigor, diarrhea, digestive disturbances, cessation of growth, physical weakness, formation of kidney and gall stones, catarrh, sinusitis, ear abscesses, restlessness, bowlegs, potbelly, constipation, infantile tetany, convulsions, enlarged joints, softened bones, pigeon breast, curvature of the spine, retarded growth, and marked depletion of calcium and phosphorus in the body commonly and usually result from lack of the vitamins and mineral contained in the article; and that the user might reasonably expect that the consumption of the article would correct such conditions. The conditions referred to in the labeling commonly and usually result from causes other than lack of the vitamins and the mineral contained in the article; and the user might not reasonably expect that consumption of the article would bring about correction, since it would not ordinarily be efficacious for the purposes claimed.

Analysis of the Watkins Vitamins A-B-D-G Tablets disclosed that the article contained not more than 225 U. S. P. units of vitamin A, not more than 100 U. S. P. units of vitamin D, and approximately 0.375 milligram or 125 units of vitamin B₁ (thiamine chloride) per tablet.

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, since each tablet was represented to contain 2,000 U. S. P. units of vitamin A, 200 U. S. P. units of vitamin D (viosterol), and ½ milligram or 167 units of vitamin B₁ (thiamine chloride), whereas each tablet contained a smaller amount of those vitamins.

The article was alleged to be misbranded in that the statements on its label, "Vitamin A-B-D-G Tablets Each tablet contains: 2,000 U. S. P. Units Vitamin A; 200 U. S. P. Units Vitamin D (Viosterol); ½ Milligram or 167 Units Vitamin B₁ (Thiamin Chloride); * * * Watkins Vitamins ABDG Tablets are biologically and chemically assayed for measured doses," and similar statements in an accompanying circular, were false and misleading. The article was alleged to be misbranded further because of misleading statements in an accompanying leaflet which represented and suggested that low resistance to infections, lack of normal growth, poor appetite, dry skin, lowered resistance to certain types of infection, lack of vigor, diarrhea, digestive disturbances, poor growth, injury to the nerve tissues, neuritis, polyneuritis, loss of appetite, unhealthy skin and mucus mem-