On July 8, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be relabeled and sold as ordinary feed.

572. Adulteration of Gynantrin. U. S. v. 1525-cc. Vials of Gynantrin. Default decree of condemnation and destruction. (F. D. C. No. 5600. Sample No. 62510-E.)

This product was represented on the label to possess a potency of 100 rat units of anterior pituitary hormone per cc.; whereas examination showed that it possessed a potency of not more than 12 rat units per cc.

On September 8, 1941, the United States attorney for the Northern District of Illinois filed a libel against the above-named product at Chicago, Ill., alleging that it had been shipped on or about February 7, 1941, by Difco Laboratories from Detroit, Mich.; and charging that it was adulterated. When shipped it was labeled in part: "Difco Anterior Pituitary Sex Hormone Solution 100 Rat Units per CC." Subsequently it was relabeled in part: "Gynantrin * * * Anterior Pituitary Gonad."

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely, 100 rat units per cc.

On October 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

573. Adulteration and misbranding of isopropyl alcohol compound. U. S. v. 214½ Dozen 6-Fluid-Ounce Packages and 39½ Dozen 16-Fluid-Ounce Packages of Paramount Brand Isopropyl Alcohol Compound. Default decree of condemnation and destruction. (F. D. C. No. 4628. Sample No. 57311-E.)

Examination of samples of this product showed that it contained only 10 percent by volume of isopropyl alcohol, whereas it was labeled "Isopropyl Alcohol 25 Percent." Furthermore, isopropyl alcohol rubbing compounds usually contain a much higher proportion of isopropyl alcohol than the amount found and even much higher than the amount declared.

On May 7, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against the above-named product at Jonesboro, Ark., alleging that it had been shipped by Rozelle, Inc., from St. Louis, Mo., on or about October 8, 1940; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess, namely, "Isopropyl Alcohol 25 Percent." It was alleged to be misbranded in that the statement "Isopropyl Alcohol Compound" was misleading for the reason that isopropyl alcohol rubbing compounds sold on the market contain a much higher proportion of isopropyl alcohol.

On June 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS[3]

574. Misbranding of New Food. U. S. v. Parke D. Brollier (Parke-Lee Food Co.). Plea of nolo contendere. Judgment of guilty. Fine, $100 and costs. (F. D. C. No. 2912. Sample No. 15001-E.)

The labeling of this product bore false and misleading representations regarding its constituents and its efficacy in the conditions indicated hereinafter.

On April 21, 1941, the United States attorney for the Northern District of Ohio filed an information against Parke D. Brollier, trading as Parke-Lee Food Co., Lorain, Ohio, alleging shipment on or about February 8, 1940, from the State of Ohio into the State of Iowa of a quantity of New Food which was misbranded.

Analysis showed that the product consisted of ground and roasted flaxseed.

It was alleged to be misbranded in that the statements, "New Food * * * The Original Natural * * * Food, * * * Newfood is, as the trade name implies, an entirely new type of food. * * * The nutritional value of this all-vegetable auxiliary food with its natural * * * minerals, fats, proteins, gives * * * extra nourishment and strength. This food contains an all-vegetable mucin (mucilage) * * * Newfood is an excellent auxiliary food," appearing in the labeling, were false and misleading in that they represented that the article was a new food; that it possessed such nutritional value that it would supply important amounts of minerals, fats and proteins and thus give extra

[3] See also Nos. 541, 542, 544–553, 555–559, 567, 568, 570.