

false and misleading since the tablets contained not more than 7.12 grains of kamala and not less than 1.20 grains of nicotine sulfate; and (3) in that they were fabricated from two or more ingredients and contained the ingredient calomel, a derivative or preparation of mercury, and the label did not show that said ingredient was a derivative or preparation of mercury.

Analysis showed that the Fowl Enteric Tablets consisted essentially of compounds of calcium, sodium, and copper, sulfates, phenolsulfates, and approximately 1/10 grain of copper arsenite per tablet.

They were alleged to be misbranded (1) in that the statements in the labeling which represented that they were efficacious in the treatment of enteritis, black-head, and various intestinal infections in fowls were false and misleading since they were not efficacious for such purposes; and (2) in that they were fabricated from two or more ingredients and contained arsenic, but the label did not bear the common or usual name of each active ingredient, including the quantity or proportion of arsenic that they contained.

On November 12, 1941, a plea of guilty was entered on behalf of the defendant and a fine of \$45 was imposed by the court.

677. Adulteration and misbranding of Cal-Par. U. S. v. 26 Dozen Packages and 6 Dozen Packages of Cal-Par with circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and display cards entitled "Lose Fat." Default decree of condemnation and destruction. (F. D. C. No. 5237. Sample No. 61018-E.)

This product, in addition to being more than 50 percent deficient in phosphorus, contained in its labeling false and misleading claims regarding its value as a weight reducer and as a treatment for various diseases and disease conditions.

On or about August 12, 1941, the United States attorney for the Western District of Washington filed a libel against 26 dozen 7-ounce packages and 6 dozen 16-ounce packages of Cal-Par, together with all circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and all display cards entitled "Lose Fat" at Seattle, Wash., alleging that the article had been shipped by Hood Products Corporation from New York, N. Y., on May 10 and 14, 1941; and charging that it was adulterated and misbranded.

Microscopic examination of a sample of the article showed that it contained wheat germ, wheat bran, crystalline material, and wheat flour. Chemical examination showed that it contained calcium, phosphorus, and iron salts, and sugar.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, namely, 1.8 grams of phosphorus per 2 heaping teaspoonfuls; whereas it contained much less than 1.8 grams of phosphorus per 2 heaping teaspoonfuls.

The article was alleged to be misbranded in that representations in the labeling that it would supply the average person's daily needs of phosphorus; that it would build strong teeth, sturdy bones, firm flesh, pliant muscles, and efficient brain cells; that it was an aid for underweight and for reducing overweight; that it would protect the user against nervousness, tiredness, sleeplessness, and lack of pep and vigor; that it would prevent heart trouble, nervous disorders, kidney complaints, liver ailments, digestive upsets, eye afflictions, and many other ailments due to the lack of certain vitamins and minerals; that it would aid in maintaining the acid-base equilibrium of the blood; that it would furnish nourishment to nerves and the brain; that it constituted an adequate treatment in anemia conditions, run-down conditions, and sinus trouble; and would relieve the pains of arthritis and rheumatism, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3648.

On December 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

678. Adulteration of tincture of digitalis. U. S. v. 5 Bottles of Tincture Digitalis. Default decree of condemnation and destruction. (F. D. C. No. 3871. Sample No. 37766-E.)

The potency of this article exceeded by approximately 50 percent the maximum potency for tincture of digitalis as specified in the United States Pharmacopoeia.

On February 27, 1941, the United States attorney for the Northern District of Georgia filed a libel against 5 bottles of tincture of digitalis at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by the Standard Pharmaceutical Corporation from Baltimore, Md.; and charging that it was adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States

Pharmacopoeia, an official compendium, but its strength differed from the standard set forth in such compendium. It was labeled in part: "Tincture Digitalis U. S. P."

On January 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

679. Adulteration and misbranding of Individual Quinine Hair Treatment; misbranding of Daigneault's Eau de Quinine Hair Tonic. U. S. v. 66 Bottles of Daigneault's Eau de Quinine Hair Tonic and 488 Packages of Individual Quinine Hair Treatment. Default decree of condemnation and destruction. (F. D. C. Nos. 2644, 2645. Sample Nos. 24241-E, 24242-E.)

The labeling of these products bore false and misleading representations regarding their efficacy in the treatment of the conditions indicated hereinafter, and also failed to comply with certain mandatory labeling requirements of the law. The hair tonic contained less alcohol than the amount declared, and the hair treatment was not antiseptic as claimed in the labeling.

On August 21, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against the above-named products at Philadelphia, Pa., which had been consigned by Joseph Daigneault, alleging that the articles had been shipped in interstate commerce on or about June 3, 1940, from Malone, N. Y.; and charging that they were misbranded and that the hair treatment was also adulterated.

Analysis of the hair tonic showed that it consisted essentially of alcohol (59 percent), water, a small proportion of quinine, perfume, and coloring matter. Examination of the hair treatment showed that each package contained tubes labeled No. 1 and No. 2. The product in tube No. 1 consisted essentially of mineral oil, a small proportion of a fatty oil, and carbolic acid; and that in tube No. 2 consisted essentially of soap and water. Bacteriological tests showed that the hair treatment was not antiseptic.

The hair treatment was alleged to be adulterated in that its strength differed from and its purity or quality fell below that which it purported or was represented to possess, namely, "antiseptic." It was alleged to be misbranded (1) in that the statements "Antiseptic * * * Quinine Hair Treatment Joseph Daigneault New York Chicago * * * Removing Dandruff in one application. Promotes growth of the Hair in the worst cases and in which other treatments have failed. * * * puts it in a permanently healthy condition," represented that it was efficacious for the purposes recommended, whereas it was not efficacious for such purposes; (2) in that the label did not bear an accurate statement of the quantity of contents; and (3) in that it did not bear the common or usual names of the active ingredients.

The hair tonic was alleged to be misbranded (1) in that the following statements in the labeling, "Compounded with 68% Alcohol * * * prevents falling out and promotes growth of the Hair," were false and misleading, since it would not be efficacious for the purposes recommended; and (2) in that the label did not bear an accurate statement of the quantity of the contents. Both products were alleged to be misbranded further in that the labels did not bear the name and address of the manufacturer, packer, or distributor, since the address of the manufacturer borne on the labels was incorrect.

On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

680. Adulteration and misbranding of Bevimin. U. S. v. 43 Vials of Bevimin Vitamin B₁ Hydrochloride. Decree of condemnation and destruction. (F. D. C. No. 2365. Sample No. 1977-E.)

This product was labeled as containing 10 milligrams of vitamin B₁ per cubic centimeter, whereas it contained not more than 7 milligrams of vitamin B₁ per cubic centimeter.

On July 15, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 43 vials of the above-named product at Richmond, Va., alleging that it had been shipped in interstate commerce on or about June 29, 1939, by the Loeser Laboratory, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, namely, (label) "Each c.c.=10 MG.=3000 I.U." and (carton) "Each cc. contains 10 Mg. (3,000 I.U.)," since it did not contain 10 milligrams of vitamin B₁ per cubic centimeter, but did contain a smaller amount. It was alleged to be misbranded