On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

86. Adulteration and misbranding of Halibut Liver Oil Plain. U. S. v. 22 Pounds of Halibut Liver Oil Plain. Default decree of condemnation and destruction. (F. D. C. No. 1302. Sample No. 89303–D.)

This product was represented to consist of plain halibut liver oil, whereas it was found to contain a material proportion of another fish liver oil.

On January 9, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 pounds of halibut liver oil plain at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by International Vitamin Corporation from New York, N. Y.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that another fish-liver oil had been substituted wholly or in part for plain halibut-liver oil.

It was alleged to be misbranded in that the statement on the container, "I. V. C. H. L. O. Plain," was false and misleading, since the article did not consist of halibut-liver oil plain. It was alleged to be misbranded further in that it was offered for sale under the name of another drug.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

87. Adulteration of tincture of digitalis; and adulteration and misbranding of Digitol. U. S. v. 9 Bottles of Tincture Digitalis and 11 Dozen Bottles of Digitol. Default decrees of condemnation and destruction. (F. D. C. Nos. 1114, 1115. Sample Nos. 69860–D, 69862–D.)

The tincture of digitalis possessed a potency of two-thirds of the requirement of the United States Pharmacopoeia for tincture of digitalis. The Digitol was represented in its labeling as possessing a potency equivalent to tincture of digitalis of U. S. P. strength, whereas it possessed but two-fifths of such potency.

On December 1, 1939, the United States attorney for the District of New Jersey filed libels against 9 bottles of tincture of digitalis and 11 dozen bottles of Digitol at Trenton, N. J., alleging that the articles had been shipped in interstate commerce by Sharp & Dohme, Inc., from Philadelphia, Pa., on or about May 25 and June 13, 1939; and charging that they were adulterated and that the Digitol was also misbranded. They were labeled in part: "Tincture Digitalis U. S. P. XI"; or "Digitol Mulford Tincture Digitalis (Fat-Free) U. S. P. Strength."

The tincture of digitalis was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in the United States Pharmacopoeia, but its strength differed from the standard set forth in such compendium since its potency was only two-thirds of that specified by the pharmacopoeia.

The Digitol was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess. It was alleged to be misbranded in that representations on the bottle label and carton that it consisted of fat-free tincture of digitalis, U. S. P. strength, and that it was a fat-free tincture of digitalis standardized biologically by the method described in the pharmacopoeia, were false and misleading when applied to an article which possessed a potency of only two-fifths of that specified by the United States Pharmacopoeia for tincture of digitalis.

On December 29, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

88. Adulteration and misbranding of tincture of digitalis. U. S. v. 93 and 31 Bottles of Tincture of Digitalis. Default decree of condemnation and destruction. (F. D. C. Nos. 1135, 1136. Sample Nos. 75553–D, 75554–D.)

This product fell below the pharmacopoeial standard, one lot possessing a potency of 51 percent and the other, 55 percent of that required by the United States Pharmacopoeia for tincture of digitalis.

On December 7, 1939, the United States attorney for the Southern District of Ohio filed libels against 124 bottles of tincture of digitalis at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 16 and October 23, 1939, by Upsher Smith Co., Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Tincture Digitalis * * * U. S. Pharmacopoeia Strength."