288. Adulteration and misbranding of digitalis leaves. U. S. v. 120 Packages of Digitalis Leaves. Consent decree of condemnation. Product released under bond for reconditioning and relabeling. (F. D. C. No. 2217. Sample Nos. 10955–E, 10956–E.)

This product contained from 9.5 percent to 10 percent of moisture; whereas the United States Pharmacopoeia prescribes a maximum of 8 percent of moisture for digitalis leaves. Furthermore, it was not packaged in accordance with the specifications of the pharmacopoeia.

On June 17, 1940, the United States attorney for the Eastern District of New York filed a libel against 120 packages of digitalis leaves at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 20 and 26, 1940, by the Western Trading Co., Inc., from Portland, Oreg.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be and was represented as digitalis, a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from and its quality and purity fell below the standard set forth therein.

It was alleged to be misbranded in that it was not packaged in waterproof, airtight containers as prescribed in the pharmacopoeia.

On January 4, 1941, the Western Trading Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to comply with the pharmacopoeial specifications with respect to packaging, moisture content, and labeling.

289. Adulteration and misbranding of powdered digitalis. U. S. v. 25 Pounds of Digitalis Powder. Default decree of condemnation and destruction. (F. D. C. No. 1457. Sample No. 75628–D.)

This product possessed a potency of not more than 72 percent of the pharmacopoeial requirement for powdered digitalis.

On February 8, 1940, the United States attorney for the Southern District of Ohio filed a libel (amended March 19, 1940) against 25 pounds of powdered digitalis at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about April 4, 1939, by S. B. Penick & Co. from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in an official compendium, and its strength differed from the standard set forth in such compendium.

Misbranding was alleged in that the statements on the label, "Digitalis * * * (Tested) * * * Powdered Our Assay 100% U. S. P. Potency," were false and misleading as applied to a drug which possessed a potency of less than three-fourths of that required by the United States Pharmacopoeia.

On October 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

290. Adulteration and misbranding of Elixir Saligen. U. S. v. G. D. Searle & Co. Plea of guilty. Fine, $50. (F. D. C. No. 932. Sample No. 55058–D.)

This product was represented to contain 4 grains of potassium iodide per fluid ounce; whereas a portion was found to contain more than 4 grains of potassium iodide per fluid ounce and the remainder contained no potassium iodide at all.

On January 20, 1940, the United States attorney for the Northern District of Illinois filed an information against G. D. Searle & Co., a corporation, Chicago, Ill., alleging shipment on or about July 29, 1939, from the State of Illinois into the State of Indiana of a quantity of Elixir Saligen which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess in that each fluid ounce was represented to contain 4 grains of potassium iodide; whereas one portion, distinguished by a certain code number, contained more than was represented, namely, not less than 7.60 grains of potassium iodide per fluid ounce and a portion distinguished by a different code number contained no potassium iodide.

Misbranding was alleged in that the statement "Each Fluid Ounce Represents * * * Potassium Iodide 4 grs," borne on the label, was false and misleading.

On January 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.