

found contaminated either destroyed or reprocessed. Any of the product so reprocessed was to be further examined and, if not fit for human or medical use, to be destroyed.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

961. Adulteration of Dr. Fenton's Necroicide Special Prescription No. 2 and misbranding of Dr. Fenton's Neumoade Special Prescription No. 1, Special Prescription No. 4, Diarrhostringent Special Prescription No. 8, Special Prescription No. 11, and Ovotone. U. S. v. Lois Swarzenruber and Venita Smith (Dr. Fenton's Vigortone Co.). Pleas of guilty. Fines, \$100 and costs. (F. D. C. No. 6473. Sample Nos. 38909-E, 38910-E, 38919-E, 58422-E, 58423-E, 58425-E.)

Dr. Fenton's Necroicide Special Prescription No. 2 exceeded its own declared standard of strength. The labeling of the other veterinary products here involved bore false and misleading therapeutic claims and, with the exception of Dr. Fenton's Neumoade Special Prescription No. 1, failed to give the common or usual names of the active ingredients. Dr. Fenton's Neumoade Special Prescription No. 1 and Diarrhostringent Special Prescription No. 8 did not bear proper statements on their labels in regard to the quantity of contents.

On April 12, 1943, the United States attorney for the Northern District of Iowa filed an information against Lois Swarzenruber and Venita Smith, trading as Dr. Fenton's Vigortone Co., Cedar Rapids, Iowa, alleging shipments on or about January 7 and 20, and February 18, 1941, from the State of Iowa into the State of Minnesota of various quantities of the above-named drugs, one of which, the "Dr. Fenton's Necroicide Special Prescription No. 2," was adulterated and the remainder of which were misbranded.

Analysis of the Neumoade Special Prescription No. 1 showed that it consisted essentially of copper sulfate, Epsom salt, naphthalene, small proportions of iodide, chromate, silica compounds and plant material including capsicum and anise.

It was alleged to be misbranded in that certain statements appearing in its labeling which represented and suggested that, when used as directed, it was an antiseptic, antiferment, expectorant, resolvent, antipyretic, alterative, and sedative, were false and misleading since, when used as directed, it was not an antiseptic, antiferment, expectorant, resolvent, antipyretic, alterative, or sedative. It was alleged to be misbranded further in that the label affixed to its container failed to bear a statement of the quantity of the contents of the container in terms of weight, measure, or numerical count.

Analysis of the Necroicide Special Prescription No. 2 showed that it contained not less than 50.6 percent of copper sulfate in addition to Epsom salt, small proportions of methylene blue, plant material including capsicum, an iodide, and a dichromate compound.

It was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since it was represented to contain not more than 25 percent of copper sulfate, whereas it contained not less than 50.6 percent of copper sulfate.

Analysis of the Special Prescription No. 4 showed that it consisted essentially of Epsom salt, copper sulfate (5.36 percent, sodium chromate, charcoal, and plant material including capsicum and anise.

It was alleged to be misbranded in that certain statements appearing in its labeling which represented and suggested that, when used as directed, it was a heart stimulant, a stomachic, an alterative, a resolvent, a deobstruent, and a diuretic; that another drug, "Dr. Fenton's Santonin Powder No. 7," would be efficacious in the removal of large and small roundworms infesting the stomach and small intestines of hogs and pigs; and that another drug, "Vigortone," would increase the vigor and tone of the system, were false and misleading since the drug, when used as directed, was not a heart stimulant or a stomachic, alterative, resolvent, deobstruent, or diuretic, and the other drugs named would not be efficacious for the purposes claimed.

Analysis of the Diarrhostringent Special Prescription No. 8 showed that it consisted essentially of charcoal, carbonate salt, brownish water-soluble organic material, copper sulfate 0.93 percent, and a small proportion of Epsom salt.

*See also Nos. 953, 954.

It was alleged to be misbranded in that certain statements in its labeling which represented and suggested that, when mixed with feed as directed and when administered together with another drug, "Dr. Fenton's Health Pep," it would act as a tonic and would tone up the system of poultry and would act as a diarrhostringent, that is, an astringent in diarrhea of poultry, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

Analysis of Special Prescription No. 11 showed that it was in the form of tablets which contained copper sulfate and mercuric chloride, approximately 2½ grains of each ingredient per tablet.

It was alleged to be misbranded in that certain statements in its labeling which represented and suggested that, when used as directed, it would be efficacious in the cure, mitigation, treatment, or prevention of some bowel affections in poultry; that it would act as an intestinal antiseptic, a stimulant, a vermifuge, an hepatic stimulant, and as an alterative, and that another drug, "Vigortone," would increase the vigor and tone of the system, were false and misleading since it and the other drug named would not be efficacious for the purposes claimed.

Analysis of the Ovotone showed that it consisted essentially of sodium sulfate, salt, sulfur, calcium carbonate, copper sulfate, small proportions of iron oxide, Epsom salt, and plant material, including tobacco and anise.

It was alleged to be misbranded in that certain statements in its labeling which represented and suggested that it was efficacious in the prevention or removal of stomach worms in sheep and of large, small, and roundworms in sheep, and that another drug, "Vigortone," would increase the vigor and tone of the system, were false and misleading since it and the other drug named would not be efficacious for the purposes claimed.

The Special Prescription No. 4, Diarrhostringent Special Prescription No. 8, Special Prescription No. 11, and Ovotone, were alleged to be misbranded further in that they were not designated solely by names recognized in an official compendium and were fabricated from two or more ingredients and their labels failed to bear statements of the common or usual name of each active ingredient thereof.

On April 12, 1943, the defendants having entered pleas of guilty, the court imposed a fine of \$50 and costs upon each of the 2 defendants.

962. Adulteration and misbranding of Elixir Quinux. U. S. v. S. F. Durst & Co., Inc., and Richard L. Durst. Pleas of nolo contendere. Fines, \$205. (F. D. C. No. 8735. Sample No. 54944-E.)

On December 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against S. F. Durst & Co., Inc., Philadelphia, Pa., and Richard L. Durst, alleging shipment on or about March 20, 1942, from the State of Pennsylvania into the State of New Jersey of a quantity of Elixir Quinux which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, since it purported and was represented to contain 2 grains of quinine sulfate per fluid ounce, whereas it contained not more than 0.42 grain of quinine sulfate per fluid ounce.

It was alleged to be misbranded in that the statement borne on its label "Each fluid ounce represents: * * * Quinine Sulphate 2 grs." was false and misleading.

On January 13, 1943, the defendants having entered pleas of nolo contendere, the court found them guilty and imposed a fine of \$200 against the corporation and a fine of \$5 against the individual defendant.

963. Adulteration and misbranding of iron glycerophosphate compound. U. S. v. Associated Laboratories, Inc. Plea of nolo contendere. Defendant found guilty. Fine, \$100. (F. D. C. No. 8736. Sample No. 77054-E.)

On December 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against the Associated Laboratories, Inc., Philadelphia, Pa., alleging shipment on or about May 14, 1942, from the State of Pennsylvania into the State of New Jersey of a quantity of iron glycerophosphate compound which 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 purported and was represented to possess, since it purported and was represented to contain, in each cubic centi-