

National Formulary, but their strength differed from the standard set forth in that compendium, since each table contained the equivalent of not more than 85.1 percent of the labeled amount of phenobarbital, whereas the National Formulary provides that tablets of phenobarbital of this size shall contain not less than 92.5 percent of the labeled amount of phenobarbital; and their difference in strength from the standard was not plainly stated on the label. They were alleged to be misbranded in that the statement "Phenobarbital 1½ gr.," appearing on the label, was false and misleading.

The acetanilid, caffeine and sodium salicylate compound tablets were alleged to be adulterated in that their strength differed from and their quality fell below that which they purported and were represented to possess, since each tablet was represented to contain 2½ grains of acetanilid and 1¾ grains of sodium salicylate, whereas each tablet contained not more than 2.22 grains of acetanilid and not more than 1.19 grains of sodium salicylate. They were alleged to be misbranded in that the statement, "Acetanilid 2-2 grs. * * * Sodium Salicylate 1, 3-4 grs.," appearing on the label, was false and misleading.

On May 28, 1943, the defendant having changed his original plea of not guilty to a plea of guilty, the court imposed a fine of \$1,000.

1013. Adulteration and misbranding of Sun-Glow Cod Liver Oil Concentrate Tablets. U. S. v. Brewer & Co., Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 7306. Sample No. 75736-E.)

On October 8, 1942, the United States attorney for the District of Massachusetts filed an information against Brewer & Co., Inc., Worcester, Mass., alleging shipment on or about July 15, 1941, from the State of Massachusetts into the State of Maine of a quantity of the above-named product.

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 not less than 3,140 U. S. P. XI units of vitamin A and not less than 314 U. S. P. XI units of vitamin D per tablet, whereas it contained not more than 2,740 U. S. P. XI units of vitamin A and not more than 235 U. S. P. XI units of vitamin D per tablet. It was alleged to be misbranded in that the statements in its labeling, "Each tablet contains not less than 3140 U. S. P. XI units Vitamin A and 314 units Vitamin D," and "These tablets are biologically standardized to contain not less than 3140 U. S. P. XI units Vitamin A and 314 U. S. P. XI units Vitamin D per tablet. * * *," were false and misleading; and in that the statements in its labeling which represented and suggested that it would be efficacious in the prevention and treatment of disease in man by increasing general resistance and toning the system, and that it would develop strong bones and good teeth, were false and misleading since it would not be efficacious for such purposes.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On October 5, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$150.

1014. Adulteration and misbranding of Analgesic Tablets, boric acid compound ointment, Boro-Oxyquinoline Compound Vaginal Suppositories, aspirin tablets, and Eye Unguent, and misbranding of Hexamide Compound No. 1. U. S. v. McDonald Pharmacal Co., Inc., and Edmund L. McDonald. Pleas of guilty. Fines, \$50. (F. D. C. No. 8758. Sample Nos. 76713-E, 76714-E, 76735-E, 76890-E, 76893-E, 76928-E.)

The aspirin tablets differed from the requirements of the National Formulary; the Hexamide Compound No. 1 bore on its labeling false and misleading therapeutic claims; and the remaining products differed from their declared standards.

On April 6, 1943, the United States attorney for the District of Minnesota filed an information against the McDonald Pharmacal Co., Inc., St. Paul, Minn., and Edmund L. McDonald, alleging shipment within the period from on or about December 10, 1941, to on or about April 15, 1942, from the State of Minnesota into the State of South Dakota of a quantity of Hexamide Compound No. 1 which was misbranded, and into the State of Iowa of a quantity of Boro-Oxyquinoline Compound Vaginal Suppositories, and into the State of Wisconsin of quantities of the other above-named products which were adulterated and misbranded.

Adulteration of the Analgesic Tablets was alleged in that their strength differed from and their quality fell below that which they were represented to possess since they were represented to contain in each tablet 3 grains of aspirin, 2 grains of acetphenetidin, and ½ grain of caffeine citrate, whereas they contained in each tablet not more than 2.38 grains of aspirin, not more than 1.60 grains of acetphenetidin, and not more than 0.40 grain of caffeine citrate. They

were alleged to be misbranded in that the statements, "Aspirin 3 grs., Acetphenetidid 2 grs., Caffeine Citrate ½ grs.," borne on the label, were false and misleading.

Adulteration of the boric acid compound ointment was alleged in that its strength differed from and its quality fell below that which it was represented to possess since it was represented to be an antiseptic, whereas it was not. It was alleged to be misbranded in that the statement "An excellent antiseptic," borne on the label, was false and misleading.

The Boro-Oxyquinoline Compound Vaginal Suppositories were alleged to be adulterated in that their strength differed from that which they were represented to possess since they were represented to contain 2 grains of quinine sulfate, whereas they contained not more than 1.44 grains of quinine sulfate. They were alleged to be misbranded in that the statement "Quinine Sulphate 2 gr.," borne on the label, was false and misleading.

The Eye Unguent was alleged to be adulterated in that its strength differed from that which it was represented to possess since it was represented to contain 2 percent of yellow oxide of mercury, whereas it contained not less than 2.3 percent of yellow oxide of mercury. It was alleged to be misbranded in that the statement "Yellow Oxide Mercury 2%," borne on its label, was false and misleading.

The aspirin tablets were alleged to be adulterated in that they purported to be and were represented as a drug the names of which, tablets of acetylsalicylic acid and aspirin tablets, are recognized in the National Formulary, an official compendium, but their strength differed from the standard set forth in that compendium since each tablet contained the equivalent of not more than 85.6 percent of the labeled amount of acetylsalicylic acid, whereas the National Formulary provides that tablets of acetylsalicylic acid or aspirin tablets shall contain not less than 92.5 percent of the labeled amount of acetylsalicylic acid; and their difference in strength from such standard was not plainly stated on the label. They were alleged to be misbranded in that the statement "Aspirin Acid Acetylsalicylic 5 Grains," borne on the label, was false and misleading.

Analysis of a sample of the Hexamide Compound No. 1 showed that it consisted essentially of salol, methenamine, small proportions of benzoic acid and methylene blue, and not more than 0.012 grain of sulfanilamide per tablet. It was alleged to be misbranded in that the statements, "(Formerly Cystitis) * * * Recommended in the treatment of Cystitis and Gonorrhoea," borne on its label, were false and misleading since the statements represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of cystitis and gonorrhoea, whereas it would not be efficacious for such purposes. It was alleged to be misbranded further in that the statement "Sulfanilamide," borne on its label, was misleading since the statement suggested and created in the mind of the reader the impression and belief that the article, when used according to directions, "One or two tablets three times a day," would furnish the consumer with a therapeutically significant amount of sulfanilamide, whereas the article, when used according to directions, would not furnish the consumer with a significant amount of sulfanilamide, since the maximum daily dosage of the article, 6 tablets, as provided by the directions, would furnish an inconsequential amount of sulfanilamide.

On April 6, 1943, the defendants having entered pleas of guilty, the court imposed a fine of \$25 on each defendant.

1015. Adulteration and misbranding of cod liver oil. U. S. v. The Swiftide Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 8783. Sample Nos. 71520-E, 80695-E.)

On January 18, 1943, the United States attorney for the District of Maine filed an information against the Swiftide Co., Portland, Maine, alleging shipment on or about February 7 and April 4, 1942, from the State of Maine into the States of Missouri and Ohio of a number of drums of cod liver oil. The article was labeled in part: "Swiftide Brand Cod Liver Oil."

It was alleged to be adulterated in that it was represented as a drug the name of which, cod liver oil, is recognized in the United States Pharmacopoeia, an official compendium, but its quality fell below the standard set forth therein since that compendium provides that cod liver oil does not have a rancid odor, that not more 1 cc. of tenth-normal sodium hydroxide is required to neutralize the acids contained in 2 grams thereof, and that, when tested for non-destearinated cold liver oil, the oil remains fluid and does not deposit stearin, whereas the article had a rancid odor, required tenth-normal sodium hydroxide in amounts varying from 1.8 to 5.18 cc. to neutralize the free acids contained in 2 grams of the article, and the Missouri lot, when tested for non-destearinated cod liver oil,