

shipment on or about May 7, 1942, from the State of Ohio into the State of Missouri of a quantity of elixir of iron, quinine, and strychnine phosphates which was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be a drug the name of which is recognized in the National Formulary, an official compendium, but its strength differed from the standard set forth therein since it contained not more than 4.22 grams of quinine phosphate per 1,000 cc., whereas it should have contained 5 grams of quinine phosphate per 1,000 cc.; and the respect in which it differed from the standard set forth in the Formulary was not plainly stated on the label.

It was alleged to be misbranded in that the statements in its labeling, "Elixir Iron Quinine and Strychnine Phosphates. * * * This is not the N. F. Formula. It varies from the N. F. formula in that it contains 9.5% alcohol and 12% glycerin by volume whereas the N. F. product contains approximately 24% alcohol and 30% glycerine by volume," were false and misleading since these statements represented and suggested that the strength of the article conformed in all respects with the standard for elixir of iron, quinine and strychnine phosphates set forth in the National Formulary with the exceptions indicated, whereas its strength did not conform to the standard with the said exceptions, but differed from the standard in the further respect that it was deficient in quinine phosphate.

On April 13, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$500 and costs.

1019. Adulteration and misbranding of sterile solution of chorionic gonadotropic hormone. U. S. v. Tuteur & Co., Inc. Plea of guilty. Fine, \$750. (F. D. C. No. 8775. Sample No. 22909-F.)

On July 30, 1943, the United States attorney for the Southern District of New York filed an information against Tuteur & Co., Inc., New York, N. Y., alleging shipment on or about August 26, 1942, from the State of New York into the State of Pennsylvania of a quantity of the above-named product 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 possess, in each 10 cc. thereof, a physiological activity equivalent to 5,000 International Units of chorionic gonadotropic hormone, and, in each cubic centimeter thereof, a physiological activity equivalent to 500 International Units of anterior pituitary-like sex hormone, whereas the article possessed, in each 10 cc., a physiological activity equivalent to not more than 1,650 International Units of chorionic gonadotropic hormone, and, in each cubic centimeter, a physiological activity equivalent to not more than 165 International Units of anterior pituitary-like sex hormone.

It was alleged to be misbranded in that the statements, "10 cc. * * * Package 5,000 International Units Sterile Solution Chorionic Gonadotropic Hormone * * * Contains Anterior pituitary-like sex hormone standardized to a potency of 500 International Units per cc.," borne on the label, were false and misleading.

On August 12, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$375 on each of the 2 counts in the information, a total of \$750.

1020. Adulteration and misbranding of sterile solution of chorionic gonadotropic hormone. U. S. v. 99 Vials of Sterile Solution Chorionic Gonadotropic Hormone. Decree of condemnation and destruction. (F. D. C. No. 8566. Sample No. 22909-F.)

Examination showed that the potency of this preparation was not greater than 165 International Units per cubic centimeter of chorionic gonadotropic hormone.

On October 13, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 99 vials of the above-named product at Philadelphia, Pa., alleging that the article had been shipped on or about August 28, 1942, from New York, N. Y., by Tuteur & Co., Inc.; and charging that it was adulterated and misbranded. Some of the vials were labeled in part: "10 cc. * * * Package 5,000 International Units * * * Contains Anterior pituitary-like sex hormone standardized to a potency of 500 International Units per cc." Other vials when shipped were labeled in part: "10 cc. * * * Package 1,000 International Units * * * Contains Anterior pituitary-like sex hormone standardized to a potency of 100 International Units per cc.," but after their receipt the shipper represented to the consignee that the labels were in error and that the product actually contained 500 International Units per cubic centimeter.