

few hours followed by 1 every hour, if necessary. For Influenza, Rheumatic Pains * * * 1 every 2 or 3 hours as required."

On June 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16941. Adulteration and misbranding of solution citrate of magnesia. U. S. v. Henry B. Gilpin Co. Plea of guilty. Fine, \$5. (F. & D. No. 23743. I. S. No. 03462.)

On November 25, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district an information against the Henry B. Gilpin Co., a corporation, Baltimore, Md., alleging shipment by said company in violation of the food and drugs act, on or about September 5, 1928, from the State of Maryland into the State of West Virginia, of a quantity of solution citrate of magnesia which was adulterated and misbranded. The article was labeled in part: "Gilco Solution Citrate of Magnesia. This preparation is not that of the U. S. P., but represents in each fluid ounce Magnesium Oxide 5.1 grains and Citric Acid 30.5 grains and is palatable, and efficient in action * * * The Henry B. Gilpin Company * * * Baltimore, Maryland."

Analysis of a sample of the article by this department showed that the solution contained magnesium citrate, corresponding to not more than 4.38 grains of magnesium oxide per fluid ounce, equivalent to not more than 0.96 gram per 100 cubic centimeters.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it contained magnesium citrate corresponding to not more than 4.38 grains of magnesium oxide per fluid ounce, equivalent to not more than 0.96 gram per 100 cubic centimeters of said article, whereas said pharmacopoeia provides that each 100 cubic centimeters of the solution of magnesium citrate, to wit, solution of citrate of magnesia, should contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that each fluid ounce of the article was represented to contain 5.1 grains of magnesium oxide, whereas each fluid ounce of the article contained less than 5.1 grains of magnesium oxide, to wit, not more than 4.38 grains of magnesium oxide.

Misbranding was alleged for the reason that the statement, to wit, "Solution Citrate of Magnesia This preparation * * * represents in each fluid ounce 5.1 grains magnesium oxide," borne on the label, was false and misleading in that the statement represented that each fluid ounce of the article contained 5.1 grains of magnesium oxide, whereas each fluid ounce of the article did not contain 5.1 grains of magnesium oxide but did contain a less amount.

On November 25, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16942. Adulteration and misbranding of Zunical. U. S. v. 123 Bottles of Zunical. Default decree of adulteration and misbranding. Product ordered destroyed. (F. & D. No. 23873. I. S. No. 07113. S. No. 2054.)

On July 9, 1929, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 123 bottles of Zunical, remaining in the original unbroken package at Los Angeles, Calif., alleging that the article had been shipped by Antonio A. Zuniga from New York, N. Y. on or about February 23, 1929, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of eggs, creosote, copaiba, sugar, and water.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of said article fell below such professed standard.

Misbranding was alleged for the reason that the statement contained in the circular, "Antiseptic," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the labeling, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For the spasms of the Asthma and the Bronchitis, * * * Grippe, Croup, etc.;" (Spanish portion of bottle label) "Gives marked alleviation to those suffering with coughs and catarrhs, no matter of how long standing, whooping cough, bronchitis and asthma. The alleviation is attained after the first doses;" (Italian portion of bottle label) "For alleviating quickly and to a marked degree those suffering with coughs * * * of however long standing they may be, whooping cough, bronchitis and asthma;" (pink circular) "Tonic * * * Anticatarhal * * * aid in Certain Respiratory Irritations * * * Reconstituent. The Respiratory tract of the body is often easily affected. Coughs, Catarrhs, Grippe, Asthmatic Attacks, Bronchitis, Irritations, Whooping-Cough, constitute some of the most frequent maladies, from which hardly anyone is exempt. It has been found that 'Zunical' is an aid to promote quick and effective relief in cases of Asthmatic Attacks and Respiratory irritations. * * * with its aid, a great number of patients have regained their health. * * * After a few doses, the cough becomes easier, less frequent, and the purulent sputum is quickly modified and in a short time expelled. With the first few doses which enter the system a patient experiences quick relief. * * * In some cases a few bottles would be only necessary to obtain substantial relief." (Similar statements in Spanish.)

On August 28, 1929, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and misbranded, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16943. Misbranding of Ferrasal. U. S. v. 11 $\frac{1}{2}$ Dozen Packages of Ferrasal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28783. I. S. No. 010208. S. No. 1979.)

On or about June 1, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 $\frac{1}{2}$ dozen packages of Ferrasal at Chicago, Ill., alleging that the article had been shipped by the Crown Remedy Co., from Dallas, Tex., in part on February 1, 1929, and in part on April 12, 1929, and transported from the State of Texas into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium bicarbonate (48 per cent), magnesium carbonate (25 per cent), small amounts of calcium and iron carbonates, salicylic acid (0.34 per cent), a tartrate, and starch flavored with oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, borne on the label, "Ferrasal * * * is indicated in the numerous health troubles caused by an excess of acids in the system. Acute Indigestion * * * Dysentery and Constipation are often caused by Hyper-acidity. Ferrasal will give relief in such cases. It will also be found helpful in Kidney and Bladder trouble * * * The Sign of Good Health * * * Stops Indigestion Now! For Acute Indigestion take * * * Repeat hourly until relieved. For Chronic Indigestion * * * Also take * * * after any meal that fails to assimilate properly. * * * In cases of Dysentery and Ptomaine Poisoning call your physician and take * * * immediately. For Chronic Acidosis take * * * until condition becomes normal. In Severe Cases," were false and fraudulent in that the said statements were applied to the article knowingly and in a reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the belief that it was composed of or contained ingredients effective as a remedy for the diseases, ailments, and afflictions mentioned on the label.