

On January 7, 1941, a plea of guilty having been entered, the court sentenced the defendant to 10 months' imprisonment on the 10 counts covering violations of the Federal Food, Drug, and Cosmetic Act, but suspended sentence and placed the defendant on probation for 1 year. (On each of the 8 counts charging violation of the Federal Food and Drugs Act of 1906 the court imposed a fine of \$1.)

348. Adulteration and misbranding of elixir iron, quinine, and strychnine phosphates; and of ammoniated mercury ointment. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 2889. Sample Nos. 1457-E, 1463-E.)

These products were represented to be drugs the names of which are recognized in official compendiums and their strength differed from and their quality fell below the standard set forth therein.

On January 31, 1941, the United States attorney for the District of Maryland filed an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment on or about April 18, 1940, from the State of Maryland into the District of Columbia of quantities of elixir of iron, quinine, and strychnine phosphates and of ammoniated mercury ointment which were adulterated and misbranded.

The elixir of iron, quinine, and strychnine phosphates was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the National Formulary, an official compendium, but its strength differed from or its quality or purity fell below the standard set forth therein, since it yielded less than 3.875 grams, namely, not more than 1.17 grams of the anhydrous alkaloids of quinine and strychnine per 1,000 cubic centimeters; whereas the National Formulary provides that elixir of iron, quinine, and strychnine phosphates shall contain 5 grams of quinine phosphate and 250 milligrams of strychnine phosphate per 1,000 cubic centimeters, and a drug so prepared should yield not less than 3.875 grams of the anhydrous alkaloids of quinine and strychnine per 1,000 cubic centimeters; and its difference in strength, quality, or purity from the standard set forth in said compendium was not stated plainly on the label. The article was alleged to be misbranded in that the statement "Elixir Iron, Quinine and Strychnine Phosphates N. F. VI.," borne on the label, was false and misleading since it did not comply with the specifications for elixir of iron, quinine, and strychnine phosphates set forth in the National Formulary, sixth edition.

The ammoniated mercury ointment was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from or its quality or purity fell below the standard set forth in that compendium, since it contained not more than 4.22 percent of ammoniated mercury; whereas the pharmacopoeia provides that ammoniated mercury ointment shall contain 10 percent of ammoniated mercury. It was alleged to be misbranded in that the statement, "Ammoniated Mercury Ointment * * * U. S. P. This ointment contains 10% Ammoniated Mercury U. S. P.," borne on the label, was false and misleading, since it did not comply with the specifications for ammoniated mercury set forth in the pharmacopoeia and it contained less than 10 percent of ammoniated mercury.

On February 10, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

349. Adulteration and misbranding of aromatic spirits of ammonia and larkspur lotion. U. S. v. Royal Manufacturing Co. of Duquesne, Koloman Kovacs, Samuel S. Kovacs, and Martin Kovacs. Pleas of nolo contendere. Judgment of guilty. Total fines, \$400. Individual defendants placed on probation for 3 years. (F. D. C. No. 2078. Sample Nos. 77148-D, 77149-D.)

This case involved a shipment of a drug purporting to be aromatic spirits of ammonia but part of which was found to consist of larkspur lotion, and of a drug purporting to be larkspur lotion but a part of which was found to be spirits of ammonia.

On September 5, 1940, the United States attorney for the Western District of Pennsylvania filed an information against the Royal Manufacturing Co. of Duquesne, a corporation, Duquesne, Pa., and Koloman Kovacs, Samuel S. Kovacs, and Martin Kovacs, alleging shipment on or about October 11, 1939, from the State of Pennsylvania into the State of Virginia of quantities of spirits of ammonia and larkspur lotion which were adulterated and misbranded. The articles were labeled in part: "Powertay Spirits of Ammonia Aromatic [or