

On August 27, 1941, the Medical Specialty Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**559. Misbranding of Cravex. U. S. v. 42 Packages of Cravex. Default decree of condemnation and destruction. (F. D. C. No. 4723. Sample No. 11249-E.)**

In addition to failure to bear adequate directions for use in the labeling, this product was misbranded in that the name "Cravex" in the labeling would falsely imply that it constituted an adequate treatment for alcoholism.

On May 8, 1941, the United States attorney for the Southern District of Texas filed a libel against 42 packages of Cravex at Houston, Tex., alleging that it had been shipped on or about February 21, 1941, by Plant Products Co., Inc., from Burbank, Calif.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of calcium and manganese compounds, including phosphates, caffeine, and milk sugar.

The article was alleged to be misbranded (1) in that the labeling did not bear adequate directions for use, since the directions appearing on the package were not adequate for the treatment of alcoholism, a disease for which it was advertised; and (2) in that the labeling was false and misleading since the name "Cravex" was interpreted by advertising to mean treatment for craving for alcohol, and it did not constitute adequate treatment for such condition.

On June 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRUGS SEIZED BECAUSE OF CONTAMINATION WITH FILTH**

**560. Adulteration of bonita livers. U. S. v. 122 Cans of Bonita Livers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 5417. Sample No. 63538-E.)**

Portions of this product were found to be decomposed and putrid.

On August 20, 1941, the United States attorney for the Western District of Washington filed a libel against 122 5-gallon cans of bonita livers at Seattle, Wash., alleging that the article had been shipped by Parke, Davis & Co. from San Francisco, Calif., on or about July 30, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

It also was alleged to be adulterated under the provisions of the law applicable to foods, as reported in F. N. J. No. 2993.

On September 10, 1941, Parke, Davis & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently all the cans containing the product were inspected and those found to be unfit were destroyed.

**561. Adulteration of crude drugs. U. S. v. 2 Barrels of "Broken Alex Senna Lvs Pumpkin Seed American Wormseed Anise Seed." Default decree of condemnation and destruction. (F. D. C. No. 5673. Sample No. 48086-E.)**

This product was contaminated with insect fragments and excreta.

On September 11, 1941, the United States attorney for the Northern District of Georgia filed a libel against 2 barrels of the above-named product at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about January 28, 1941, by R. Hillier's Son, Corporation from New York, N. Y.; and charging that it was adulterated in that it consisted in part of a filthy substance.

On October 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**562. Adulteration of ginger root. U. S. v. 47 Bags of Ginger. Consent decree of condemnation. Product ordered released under bond to be converted into an inedible product. (F. D. C. No. 6356. Sample No. 67714-E.)**

Examination showed that this product contained worm holes and further evidence of insect infestation.

On December 4, 1941, the United States attorney for the Western District of Tennessee filed a libel against 47 bags containing 5,229 pounds of ginger at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by J. R. Watkins Co. from Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to foods, as reported in F. N. J. No. 2985.

On February 27, 1942, J. R. Watkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted under the supervision of the Food and Drug Administration into an inedible product.

**563. Adulteration of miscellaneous drugs. U. S. v. A Certain Quantity of Drugs. Consent decree of condemnation. Products ordered released under bond for segregation and relabeling of fit portions.** (F. D. C. No. 4214. Sample Nos. 56786-E to 56794-E, incl.)

This case was based on a shipment of salvaged smoke- and water-damaged goods which included various drugs such as "patent medicines," pharmaceuticals used in the filling of prescriptions, surgical dressings, and vitamin capsules.

On April 15, 1941, the United States attorney for the Southern District of New York filed a libel against 284 cartons of miscellaneous merchandise, including a certain quantity of drugs, at New York, N. Y., alleging that the articles had been shipped on or about February 26 and 28, 1941, by Curtis & Travis from Harrisburg, Pa.; and charging that the drugs were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

The libel also covered quantities of foods and cosmetics that were adulterated, as reported in F. N. J. No. 2825 and in notices of judgment on cosmetics.

On April 30, 1941, Gibbs Peoples Drug Service Co., Harrisburg, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that the fit portions be segregated and relabeled in compliance with the law.

#### DRUGS ACTIONABLE BECAUSE OF FAILURE TO COMPLY WITH OFFICIAL OR OWN STANDARDS<sup>2</sup>

**564. Adulteration of aromatic spirit of ammonia, sweet spirit of niter, and camphorated oil; and misbranding of Dewee's Carminative. U. S. v. Owens & Minor Drug Co., Inc. Plea of guilty. Fine, \$50.** (F. D. C. No. 2965. Sample Nos. 28853-E, 28855-E, 28856-E, 28858-E.)

This case involved 3 drugs which differed from the requirements of the United States Pharmacopoeia; also a shipment of Dewee's Carminative which contained opium and which was not labeled with the warning that it might be habit-forming.

On September 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against Owens & Minor Drug Co., Inc., of Richmond, Va., alleging shipment within the period from on or about February 14 to on or about July 31, 1940, from the State of Virginia into the State of North Carolina of quantities of aromatic spirit of ammonia, sweet spirit of niter, and camphorated oil which were adulterated, and of a quantity of Dewee's Carminative which was misbranded.

Adulteration of the aromatic spirit of ammonia, sweet spirit of niter, and camphorated oil was alleged in that they purported to be or were represented as drugs the names of which are recognized in the United States Pharmacopoeia, an official compendium, but their strength differed from, or their quality or purity fell below, the standards set forth in such compendium in the following respects: The pharmacopoeia prescribes that aromatic spirit of ammonia shall contain in each 100 cubic centimeters not less than 1.7 grams and not more than 2.1 grams of total ammonia ( $\text{NH}_3$ ), and ammonium carbonate corresponding to not less than 3.5 grams as  $(\text{NH}_4)_2\text{CO}_3$ , whereas the said aromatic spirit of ammonia contained total ammonia in some instances in excess of the maximum so prescribed, namely, not less than 2,297 grams of total ammonia per 100 cubic centimeters, and contained total ammonia in some instances less than the minimum prescribed, namely, not more than 0.6 gram of total ammonia per 100 cubic centimeters, and it contained less ammonium carbonate than prescribed, namely, ammonium carbonate varying from 3.348 grams to 0.793 gram per 100 cubic centimeters; the United States Pharmacopoeia prescribes that sweet spirit of niter shall contain not less than 3.5 percent of  $\text{C}_2\text{H}_5\text{ONO}$ , namely, ethyl nitrite, whereas the said sweet spirit of niter contained less ethyl nitrite than the minimum prescribed, namely, not more than 3.0 percent; and the United States Pharmacopoeia prescribes that camphorated oil shall contain not less than 19 percent of camphor, whereas the said camphorated oil contained less camphor than the minimum prescribed, namely, not more than 17.89 percent; and the respects in which the strength, quality, or

<sup>2</sup> See also Nos. 550, 551.