

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 STANDARDS²

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 (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

² See also Nos. 550, 551.

purity of said drugs differed from the standards set forth in the said compendium were not plainly stated on the labels.

Dewee's Carminative was alleged to be misbranded in that it was for use by man and contained the narcotic or hypnotic substance opium and its label did not bear the name and quantity or proportion of such substance and in juxtaposition therewith the statement "Warning—May be habit forming." It was alleged to be misbranded further in that it was not designated solely by a name recognized in an official compendium, and was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient, including the quantity, kind, and proportion of alcohol.

On October 9, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

565. Adulteration of Shores Special Formula Tablets C. T., Special Formula Tablets C. C. T., and Special Formula Tablets S. C. Pink. U. S. v. The Shores Co., Inc. Plea of guilty. Fine, \$75. (F. D. C. No. 2908. Sample Nos. 8079-E, 8122-E, 10712-E.)

On June 19, 1941, the United States attorney for the Northern District of Iowa filed an information against the Shores Co., Inc., Cedar Rapids, Iowa, alleging shipment within the period from on or about December 12, 1939, to on or about April 14, 1940, from the State of Iowa into the States of Minnesota and New York, of quantities of the above-named products that were adulterated and misbranded.

The Special Formula Tablets C. T. were alleged to be adulterated in that their strength differed from or their quality fell below that which they purported or were represented to possess, since each of the tablets was represented to contain 10 grains of calcined magnesia and 10 grains of bismuth subnitrate; whereas each of the tablets contained not more than 8.86 grains of calcined magnesia and not more than 8.48 grains of bismuth subnitrate.

The Special Formula Tablets C. C. T. were alleged to be adulterated in that their strength differed from or their quality fell below that which they purported or were represented to possess, since each of the tablets represented to contain kamala and extract of kamala equivalent to 9 grains of kamala and to contain $\frac{1}{4}$ grain of nicotine; whereas each of the tablets contained kamala and extract of kamala equivalent to not more than 5.81 grains of kamala and only 0.21 grain of nicotine.

The Special Formula Tablets S. C. Pink were alleged to be adulterated in that their strength differed from or their quality fell below that which they purported or were represented to possess, since each of the tablets was represented to contain 1 grain of calcium iodized; whereas each of the tablets contained not less than 1.93 grains of calcium iodized.

On June 19, 1941, the defendant entered a plea of guilty to counts 1, 3, and 5 of the information, and the court imposed a fine of \$75 and costs.

566. Adulteration and misbranding of A. B. D. G. Capsules. U. S. v. 15,000 A. B. D. G. Capsules. Default decree of condemnation and destruction. (F. D. C. No. 6068. Sample No. 53409-E.)

These capsules, which were shipped in bulk package, were labeled "A. B. D. G. Capsules Improved," but subsequently a portion were repackaged and labeled "Hain Abedege Improved Vitamins." Each capsule was represented to contain 200 U. S. P. units of vitamin B₁, but examination showed that each one contained not more than 133 International Units (U. S. P. units) of vitamin B₁.

On October 24, 1941, the United States attorney for the Southern District of California filed a libel against 15,000 A. B. D. G. Capsules at Los Angeles, Calif., alleging that the articles had been shipped on or about July 11, 1941, by the International Vitamin Corporation from Brooklyn, N. Y.; and charging that it 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 was represented to possess, namely, 200 U. S. P. units of vitamin B₁. It was alleged to be misbranded in that the statement on the shipping carton, "200 vitamin B₁ units U. S. P.," was false as applied to an article that contained not more than 133 International Units of vitamin B₁ per capsule.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3221.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.