

720. Adulteration and misbranding of hydrogen peroxide; misbranding of isopropyl alcohol, mineral oil, soda, and olive oil. U. S. v. Raymond Thomason and Clyde Rutledge (Southwest Products Co.). Pleas of guilty, Fines, \$200. (F. D. C. No. 5565. Sample Nos. 6982-E, 6987-E, 6988-E, 6995-E, 65397-E, 65398-E.)

This case involved hydrogen peroxide which failed to conform to the pharmacopoeial specifications; mineral oil and soda the labeling of which bore false and misleading curative claims; and mineral oil, isopropyl alcohol, and olive oil which were short of the declared volume. The labeling of the soda also failed to bear adequate directions for use.

On March 2, 1942, the United States attorney for the Northern District of Texas filed an information against Raymond Thomason and Clyde Rutledge, trading as Southwest Products Co. at Lubbock, Tex., alleging shipment within the period from on or about September 16 to on or about November 22, 1940, from the State of Texas into the State of New Mexico of quantities of the above-named drugs which were adulterated and/or misbranded.

The hydrogen peroxide 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 but its strength differed from and its quality fell below the standard set forth therein, since in each 100 cubic centimeters it contained less than 2.5 grams of hydrogen peroxide (H_2O_2), namely, not more than 1.90 grams of hydrogen peroxide; whereas the United States Pharmacopoeia specifies that hydrogen peroxide shall contain in each 100 cc. not less than 2.5 grams of H_2O_2 , and its difference in strength and quality from such standard was not plainly stated on the label. It was alleged to be misbranded in that the statement on the bottle label, "Hydrogen Peroxide U. S. P. * * * 3% * * * Active Ingredients H_2O_2 , 3%," was false and misleading since it represented that the article complied with the specifications of the United States Pharmacopoeia for solution of hydrogen peroxide and contained 3 percent of hydrogen peroxide; whereas it did not comply with such specifications and it contained not more than 1.9 percent of hydrogen peroxide.

One shipment of mineral oil was alleged to be misbranded in that the statement on the bottle label, "This oil is used for the treatment of chronic constipation and * * * for the relief of intestinal indigestion," was false and misleading since it represented and suggested that the oil would be efficacious for the treatment of chronic constipation and for the relief of intestinal indigestion; whereas it would not be efficacious for such purposes. The other shipment of mineral oil was alleged to be misbranded in that the statement on the bottle label, "Contents 1 Pint," was false and misleading since the bottles contained less than 1 pint, namely, amounts varying from 14.2 to 15.38 fluid ounces.

The soda was alleged to be misbranded: (1) In that the statement, (display cards) "For Relief of Indigestion, Heartburn, Acid Stomach, Common Colds," was false and misleading since it represented and suggested that soda was an efficacious treatment for indigestion, heartburn, acid stomach, and common colds; whereas it would not be efficacious for such purposes. (2) In that its labeling failed to bear adequate directions for use. (3) In that it was in package form and the package, i. e., envelope, did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (4) In that it did not bear a label containing its common or usual name, i. e., sodium bicarbonate.

The olive oil was alleged to be misbranded in that the statement on the bottle label, "1½ Fl. Oz.," was false and misleading since the bottles contained less than 1½ fluid ounces of olive oil, namely, amounts varying from 1.39 to 1.48 fluid ounces.

The isopropyl alcohol was alleged to be misbranded in that the statement on the bottle label, "Contents 1 Pint," was false and misleading since the bottles contained less than 1 pint of the article, namely, amounts varying from 15.2 to 15.85 fluid ounces.

The soda, one shipment of the mineral oil, the isopropyl alcohol, and the olive oil were alleged to be misbranded further in that they were in package form and did not bear labels containing accurate statements of the quantity of the contents.

On April 18, 1942, pleas of guilty were entered by the defendants and the court imposed a fine of \$100 against each.

721. Adulteration of Antiseptic Medicated Skin Cream. U. S. v. 28 Jars of Antiseptic Medicated Skin Cream. Default decree of condemnation and destruction. (F. D. C. No. 7323. Sample No. 64944-E.)

On April 10, 1942, the United States attorney for the Western District of New York filed a libel against the above-named product at Buffalo, N. Y., alleging that

it had been shipped in interstate commerce on or about February 25 and March 12, 1942, by I. L. Palmer from Philadelphia, Pa.; and charging that it was adulterated in that its strength differed from that which it purported and was represented to possess, namely "Antiseptic."

On May 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

722. Adulteration and misbranding of citrate of magnesia. U. S. v. 36½ Dozen Bottles of Citrate of Magnesia. Default decree of condemnation and destruction. (F. D. C. No. 7189. Sample No. 64840-E.)

This product contained a smaller amount of magnesium citrate than that specified in the United States Pharmacopoeia and it also contained sulfates in excess of the amount permitted in the pharmacopoeial product.

On April 11, 1942, the United States attorney for the Northern District of Ohio filed a libel against 36½ dozen bottles of citrate of magnesia at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about February 9, 1942, by the William Bettles Co. from Pittsburgh, Pa.; and charging that it 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 United States Pharmacopoeia but its strength differed from and its quality fell below the standard set forth therein. It was alleged to be misbranded in that the statement "made of pure citric acid and carbonate of magnesia according to the U. S. Pharmacopoeia" was false and misleading since it was not correct.

On May 11, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

723. Adulteration and misbranding of Russian mineral oil. U. S. v. 477 Bottles, 113 Dozen Bottles, 487 Dozen Bottles, and 17 Drums of Russian Mineral Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4817. Sample Nos. 56027-E, 56054-E.)

This product had been shipped in interstate commerce in drums and had been in part bottled and labeled by the consignee.

On or about May 26, 1941, the United States attorney for the District of Connecticut filed a libel against the above-named product at Bridgeport, Conn., in possession of McKesson & Robbins, Inc., alleging that it had been shipped on or about May 2 and 3, 1940, by Kuhne-Libby Co. from New York, N. Y.; and charging that it was adulterated and misbranded.

The article 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, i. e., white mineral oil, but its quality fell below the standard set forth in the pharmacopoeia with respect to viscosity, and the difference in quality from such standard was not plainly stated on the label since the designation appearing on the bottles, "Light Russian Mineral Oil" and that on the drums, "Russian Mineral Oil U. S. P. Light," did not serve to warn the purchaser that it was not white mineral oil as that term is defined in the pharmacopoeia.

It was alleged to be misbranded in that the designation "light" (in comparatively small type) and "Russian Mineral Oil" (in comparatively large type) on the bottle labels, and the designation "Russian Mineral Oil U. S. P. Light" on the drums, were misleading since the term "Russian Mineral Oil" is associated in the minds of purchasers with an oil having a kinematic viscosity which is substantially higher than that of said article.

On April 9, 1942, McKesson & Robbins, Inc., New York, N. Y., 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.

724. Adulteration and misbranding of vitamin tablets. U. S. v. 27,500 Vitamin A and D Tablets. Default decree of condemnation and destruction. (F. D. C. No. 7054. Sample No. 30494-E.)

This product was represented to contain 625 units of vitamin D per tablet but contained not more than 470 units of vitamin D per tablet.

On March 18, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 27,500 vitamin tablets at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 5, 1942, by Strong, Cobb & Co., Inc., from Cleveland, Ohio; and charging that it was adulterated and misbranded.