On February 4, 1942, the United States attorney for the District of Rhode Island filed a libel against the above-named product at Providence, R. I., alleging that it had been shipped in interstate commerce on or about September 11, 1941, by Roma Extract Co., Inc., from Boston, Mass.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, namely, "Effervescing Solution of Citrate of Magnesia with Magnesia Sulphate," since its strength differed from that of a solution of magnesium citrate to which magnesium sulfate had been added. It was alleged to be misbranded in that the title, "Effervescing Solution of Citrate of Magnesia with Magnesia Sulphate," borne on the label, was false and misleading.

On April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

771. Adulteration of Nebulin A with Nebulator. U. S. v. 141 Packages of Nebulin A with Nebulator. Default decree of condemnation and destruction. (F. D. C. No. 7477. Sample No. 73653–E.)

On May 11, 1942, the United States attorney for the Western District of Missouri filed a libel against 141 packages of Nebulin A with Nebulator at Kansas City, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about February 6, to on or about April 10, 1942, by the Nyal Co. from Detroit, Mich.; and charging that it was adulterated. The article was labeled in part: (Package) "Combination package consisting of Nebulin A with Nebulator * * * Frederick Stearns & Company Detroit, U. S. A."; (bottle contained in package) "Nebulin A Stearns Solution Epinephrine Hydrochloride 1:100 Contains: * * * 1.0% * * * in an aqueous vehicle."

It was alleged to be adulterated in that it was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its quality fell below and its strength differed from the standard set forth in that compendium, since it was a brown liquid and the pharmacopoeia specifies that epinephrine hydrochloride is "a nearly colorless * * * liquid * * * when the solution has become brown in color * * * it must be rejected," and its strength was five times that specified in the pharmacopoeia and its difference in strength and quality from such standard was not stated on the label.

On June 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

772. Adulteration and misbranding of Ramsdell's Sulphur Cream. U. S. v. 129 Packages of Ramsdell's Sulphur Cream. Default decree of condemnation and destruction. (F. D. C. No. 7499. Sample No. 84378–E.)

This product, in addition to containing a smaller amount of sulfur than that declared, bore false and misleading therapeutic claims in the labeling.

On May 15, 1942, the United States attorney for the District of New Jersey filed a libel against 129 packages of Ramsdell's Sulphur Cream at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 22, 1942, by E. Fougera & Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely, "Contains 10% Precipitated Sulphur."

It was alleged to be misbranded in that certain statements in the labeling, which represented that it would be efficacious in the treatment of scabies, eczema, ringworm, itching, simple acne, acne rosacea, burning and soreness in eczema, "Jock-Strop itch," barber's itch, and water rash; and that it would be efficacious in the treatment of bald spots and falling hair, were false and misleading since it would not be efficacious for such purposes.

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

773. Adulteration and misbranding of Blue Fin Tuna Liver Oil. U. S. v. 1 Drum of Blue Fin Tuna Liver Oil. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 1858. Sample No. 55486–D.)

This product contained a smaller amount of vitamin D than that declared on the label.

On April 22, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 1 drum of the above-named product at Detroit,