to be misleading since the contents occupied not more than 30 percent of its total volume.

Analysis of the Guaiadine Tablets showed that they contained small proportions of potassium dichromate, iodine, guiacol, and creosote. The article was alleged to be misbranded in that the statements on the bottle label, "Indications: In the treatment of the so-called Fowl Cholera, Typhoid, Roup, Coccidosis and various troubles originating in the intestinal tract of fowls," were false and misleading since it would not be efficacious for such purposes.

Analysis of the Conjunctivitis #1 Tablets showed that they contained boric acid, zinc sulfate, salicylic acid, and methylene blue. They were alleged to be misbranded in that the statement "Conjunctivitis," borne on the bottle label, was false and misleading since they would not be efficacious in the treatment of conjunctivitis.

Analysis of the Liquid Nux Vomica Alkaloids showed that the article contained not more than 0.1503 (slightly less than 1/6) grain of strychnine sulfate and 0.0441 (1/23) grain of brucine sulfate, per cc. It was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess, since it was represented to contain 1/4 grain of strychnine sulfate and 1/4 grain of brucine sulfate per cc.; whereas it contained not more than 0.1503 (slightly less than 1/6) grain of strychnine sulfate and not more than 0.0441 (1/23) grain of brucine sulfate per cc. It was alleged to be constituent of the drug nux vomica, but its label failed to declare the quantity of strychnine that it contained.

On April 13, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $105 and costs.

776. Adulteration and misbranding of cod-liver oil. U. S. v. 5 Barrels and 1 Drum of Cod-Liver Oil. Default decrees of condemnation. Portion of product ordered disposed of for stock and poultry feed; remainder ordered destroyed. (F. D. C. Nos. 7567, 7586. Sample Nos. 71520-E, 80695-E.

This product differed from the pharmacopoeial standard since it was not partially destearinated, and it was off in color and odor and high in free fatty acids. The oil in the drum contained smaller amounts of vitamin D and vitamin A than those declared on the label.

On May 26 and 29, 1942, the United States attorneys for the Southern District of Ohio and Eastern District of Missouri filed libels against 5 30-gallon barrels of cod-liver oil at Mt. Orab, Ohio, and 1 30-gallon drum of cod-liver oil at St. Louis, Mo., which had been consigned on or about February 17 and April 4, 1942, alleging that the article had been shipped in interstate commerce by the Swiftide Co., from Portland, Maine; and charging that it was adulterated and misbranded. The article was labeled in part: "Swiftide Brand Cod Liver Oil."

It was alleged to be adultered in that it was represented as a drug the name of which is recognized in an official compendium but its quality fell below the standard set forth in that compendium and the manner in which it differed from such standard was not stated on the label.

It was alleged to be misbranded in that the name "Cod Liver Oil" was false and misleading since it was not cod-liver oil. A portion was alleged to be misbranded further in that the statements (drum) "Guaranteed to Contain Not Less Than 200 A. O. A. C. Units Vitamin D" and "Not less than 1,000 Units Vitamin A Per Gramme," were false and misleading since it contained not more than 100 A. O. A. C. units of vitamin D and not more than 700 U. S. P. units of vitamin A per gram. The oil in the drum was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in Notices of Judgment on Foods.

On June 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS[5]

DRUGS FOR HUMAN USE

777. Alleged misbranding of Armi Mineral Water. U. S. v. Ralph R. Markwood (Armi Mineral Water Co.). Demurrer to the information sustained. Case ordered dismissed. (F. D. C. No. 4114. Sample Nos. 5790-E, 27566-E.)

On June 24, 1941, the United States attorney for the Northern District of Ohio filed an information against Ralph R. Markwood, trading as the Armi

[5] See also Nos. 754, 757, 759, 765, 766, 772, 774.

Mineral Water Co. at Toledo, Ohio, alleging shipment on or about July 2 and August 15, 1940, from the State of Ohio into the State of Indiana of quantities of Armi Mineral Water which was misbranded.

Analysis of a sample of the article showed that it contained only traces of, if any, potassium diphosphate, manganese chloride, magnesium phosphate, potassium chloride, calcium phosphate, sodium phosphate, potassium iodide, ferric phosphate, or lithium bromide, and not more than 0.15 grain of silicon dioxide per quart (an insignificant quantity present in many city water supplies), and substantial amounts of sodium sulfate and lime.

It was alleged in the information that the article was misbranded: (1) In that the statements on the jug label, "Minerals Added Potassium Diphosphate Manganese Chloride Calcium Hydroxide Magnesium Phosphate Potassium Chloride Calcium Phosphate Sodium Phosphate Potassium Iodide Silicon Dioxide Sodium Sulphate Ferric Phosphate Lithium Bromide" were false and misleading since they represented that it contained important and substantial proportions of each one of the said substances; whereas it contained but inconsequential and unimportant proportions of, if any, potassium diphosphate, manganese chloride, magnesium phosphate, potassium chloride, calcium phosphate, sodium phosphate, potassium iodide, ferric phosphate, and lithium bromide. (2) In that its label did not bear the common or usual name of each active ingredient since one of its active ingredients was slaked lime, which was described on the label as calcium hydroxide, which is not its common or usual name. (3) In that the statement of the ingredients was not borne on the label in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use since the ordinary individual would not understand that the various ingredients listed in the labeling, with the exception of lime and sodium sulfate, were present, if at all, in unimportant and inconsequential proportions. (4) In that the labeling was misleading since the zigzag design depicting lightning and the statement "Treated By Electrolysis," failed to reveal the fact which is material in the light of the representations made and suggested by the design and statement, that any treatment by electrolysis to which the article may have been subjected had not affected its properties. (5) In that the statement on the label, "Scientifically Balanced," was false and misleading when applied to water to which had been added small amounts of lime and sodium sulfate and inconsequential amounts of other substances.

On April 2, 1942, the defendant filed a general demurrer to the information; and on June 5, 1942, the court sustained the demurrer and ordered the case dismissed.

778. Misbranding of double strength solution of posterior pituitary. U. S. v. 2 Bottles of Double Strength Solution of Posterior Pituitary. Default decree of condemnation and destruction. (F. D. C. No. 7568. Sample No. 89434–E.)

This product was represented to possess a potency double that of posterior pituitary as defined in the U. S. Pharmacopoeia and therefore should produce per cubic centimeter an activity corresponding to not less than 160 percent of that produced by 0.005 gram of the standard powdered posterior pituitary; whereas samples taken from the two lots produced per cc. an activity corresponding in one instance to not more than 120 percent and in the other to not more than 100 percent of the activity produced by 0.005 gram of the standard powdered posterior pituitary. It also was represented to contain 20 International Units of posterior pituitary per cc., but samples were found to contain not more than 12 and 10 International Units, respectively, of posterior pituitary per cc.

On June 1, 1942, the United States attorney for the Southern District of New York filed a libel against 2 bottles containing a total of approximately 1½ liters of the above-named product at New York, N. Y., alleging that it had been shipped in interstate commerce on or about September 12, 1941, by Armour & Co. from Chicago, Ill.; and charging that it was misbranded in that the statements on the label, "Double Strength Solution of Post. Pituitary U. S. P. XI" and "20 I. U. per cc.," were false and misleading since its strength was not double that of solution of posterior pituitary as defined in the U. S. Pharmacopoeia, and it did not contain 20 International Units per cc.

On June 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.