

an antiseptic; and (3) in that statements on the cartons containing a portion of the bottles that the article would be efficacious to relieve pain and soreness in carbuncles, erysipelas, boils, and itch, and would be efficacious in the treatment of ulcers, old sores, and skin eruptions, and statements on the cartons containing the remainder of the bottles that it would be efficacious in the treatment of piles and open sores, were false and misleading since the article would not be efficacious for such purposes.

The Epsom salt was alleged to be misbranded (1) in that its label failed to bear adequate directions for use since the label bore no directions for use; and (2) in that it was a cathartic and its label did not bear a warning that it should not be used when abdominal pain, nausea, vomiting or other symptoms of appendicitis are present, and that frequent or continued use might result in dependence on laxatives.

The Cocoa and Quinine Syrup 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 2 grains of quinine sulfate per teaspoonful, but it contained not more than 1.65 grains of quinine sulfate per teaspoonful. It was alleged to be misbranded in that the statement, "Quinine Sulphate 2 Gr. per Teaspoonful," borne on the bottle label was false and misleading.

Analysis of a sample of the Cough Syrup showed that it consisted of a dark brown syrupy liquid containing 0.35 minim of chloroform per fluid ounce. 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 3 minims of chloroform per fluid ounce, whereas it contained not more than 0.35 minimum of chloroform per fluid ounce. It was alleged to be misbranded in that the statement, "Chloroform 3 Min. per Fl. Oz." borne on the cartons and bottle labels was false and misleading.

The quinine sulfate was alleged to be misbranded in that the statement, "Quinine Sulphate 15 Grains," borne on the label of the bottle containing the article was false and misleading since the bottles contained quinine sulfate in amounts varying from 8.61 to 13.36 grains.

Analysis of a sample of the Hi-Qual Balm showed that it consisted of a mixture of oil of peppermint, oil of eucalyptus, camphor, menthol, and ephedrine in a petrolatum base. It was alleged to be misbranded in that the statements in the labeling which represented and suggested that it was efficacious in the treatment of head colds, croup, and piles were false and misleading since it was not efficacious for such purposes.

On July 22, 1942, a plea of nolo contendere having entered on behalf of the defendant, the court imposed a fine of \$90.

808. Misbranding of Hillys "H-R 5." U. S. v. Morris William Hillinger (Hilly Medicinal Products). Plea of nolo contendere. Fine, \$10. (F. D. C. No. 7268. Sample No. 55722-E.)

On June 11, 1942, the United States attorney for the Southern District of California filed an information against Morris William Hillinger, trading as Hilly Medicinal Products at Pasadena, Calif., alleging shipment on or about October 7, 1940, from the State of California into the State of Oregon of a quantity of Hillys "H-R 5" which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of small proportions of an ephedrine salt, caffeine, sodium phosphate, reducing sugars, and water, and was colored with caramel.

The article was alleged to be misbranded (1) in that it contained 0.31 grain of ephedrine hydrochloride per fluid ounce but its label failed to warn that frequent or continued use might cause nervousness, restlessness, or sleeplessness, and that individuals suffering from high blood pressure, heart disease, diabetes, or thyroid trouble should not use such drug except on competent advice; and (2) in that certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious for use after over-indulgence in alcohol; would be efficacious in the treatment of hang-overs; would help establish sobriety and would be efficacious in the cure, mitigation, treatment or prevention of alcoholism, whereas it would not be efficacious for such purposes.

On July 20, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$10.