Analysis of a sample of Lloydrastis showed the article to contain not more than 0.029 percent of hydrastine. The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess in that it was represented to contain 0.08 percent of hydrastine, whereas it contained not more than 0.029 percent of hydrastine. The article was alleged to be misbranded in that the statement on the labeling, "It is standardized to an hydrastine content of .08 percent," was false and misleading as applied to an article that contained a smaller amount of hydrastine.

Analysis of samples from two shipments of colloidum belladonna showed that one contained not less than 0.517 percent of the total alkaloids of belladonna, and the other contained not less than 0.57 percent of the total alkaloids of belladonna. The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess. The article was represented to be standardized to contain not more than .45 percent of the total alkaloids of belladonna root, but in both instances it contained more of the total alkaloids of belladonna root than the amount declared. It was also alleged to be misbranded in that the statement on the label, "Standardized to contain .45 percent total alkaloids," was false and misleading as applied to an article containing a higher percentage of the total alkaloids. It was further alleged to be misbranded in that the statement appearing on the label "Colloidum Belladonna * * * Not U. S. P. Same drug strength as Fluid Extract," was false and misleading, since the drug yielded not less than 0.57 gram of the alkaloids of belladonna root per 100 cc. in the sample from one shipment, and not less than 0.525 gram of the alkaloids of belladonna root per 100 cc. in the sample from the second shipment, whereas the United States Pharmacopoeia provides that "Fluidextract of Belladonna Root yields from each 100 cc., * * * not more than 0.495 Gm. of the alkaloids of belladonna root."

On October 8, 1942, a plea of guilty having been entered, the court imposed a fine of $50 on each of the 8 counts of the information, making a total fine of $400.

872. Misbranding of thiamin chloride tablets, A and D vitamin concentrate tablets, and Valtiva. U. S. v. Harlow B. Boyle and Charles E. Boyle (Boyle & Co.). Pleas of nolo contendere. Each defendant fined $100 on 1 count. Imposition of sentence suspended on remaining counts for 1 year, to become permanent at the end of 1 year in event of no further violation. (F. D. C. No. 5545. Sample Nos. 32972–E, 32973–E, 53348–E.)

These thiamin chloride tablets and the A and D vitamin concentrate tablets fell below their declared potency; and the thiamin chloride tablets and another product, Valtiva, bore misleading curative and therapeutic claims.

On August 10, 1942, the United States attorney for the Southern District of California filed an information against Harlow B. Boyle and Charles E. Boyle, copartners trading as Boyle & Co., Los Angeles, Calif., alleging shipments on or about November 15 and December 9, 1940, and May 12, 1941, from the State of California into the State of Arizona of quantities of the above-named products which were misbranded.

The thiamin chloride tablets were alleged to be misbranded (1) in that the statement, "Thiamin Chloride 1.0 Mgm. Vitamin B_1 333 International Units per tablet," borne on the bottle label was false and misleading since each tablet contained less than 1 milligram, namely, .06 milligram of thiamin chloride, the equivalent of not more than 200 International Units of vitamin B_1; and (2) in that the statement "Lack of Vitamin B_1 may result in retarded growth, malnutrition, loss of appetite, constipation, and certain other abnormal conditions," borne on the label was misleading since it represented and suggested and created in the minds of the readers the impression that retarded growth, malnutrition, loss of appetite, constipation, and the other abnormal conditions suggested by the statement are commonly caused by lack of vitamin B_1, and that readers might reasonably expect to obtain benefit from the use of the article in the treatment of such conditions; whereas such conditions are rarely caused by lack of vitamin B_1, and readers might not reasonably expect to obtain benefit from the use of the article in their treatment since it would not ordinarily be efficacious for such purposes.

The A and D vitamin concentrate tablets were alleged to be misbranded (1) in that the statement, "Each Tablet Contains: Vitamin A—6250 U. S. P. Units, Vitamin D—625 U. S. P. Units," borne on the bottle label and carton was false and misleading since each tablet contained not more than 140 U. S. P. units of vitamin A and not more than 300 U. S. P. units of vitamin D; (2) in that the statement, "Each Boyle A and D tablet supplies 1½ times the minimum daily adult requirement and twice the minimum daily requirement for children, of

vitamin A, and 1½ times the minimum daily requirement of vitamin D for both adults and children," borne on the carton was false and misleading since each tablet would supply less than one-tenth the amount of vitamin A required daily by an infant, and less than one-twenty-fifth the amount of vitamin A required daily by a person 12 or more years of age, and would supply less than three-fourths the amount of vitamin D required daily by any person irrespective of age; and (3) in that the statement "Each tablet is equal in vitamin potency and therapeutic effect to about 2 teaspoonfuls of U. S. P. cod liver oil," borne on the carton was false and misleading since the statement represented that each tablet contained the vitamin potency equivalent in therapeutic effectiveness to about 2 teaspoonfuls of cod liver oil, which would be approximately 6,200 U. S. P. units of vitamin A and not less than 620 U. S. P. units of vitamin D, whereas each tablet contained not more than 140 U. S. P. units of vitamin A, and not more than 300 U. S. P. Units of vitamin D.

The Valtiva was alleged to be misbranded in that the statements "Latest scientific research tells us that at times lack of sufficient dietary intake of vitamins results in run down conditions in the system, such as certain nervous disorders, skin troubles, loss of appetite, loss of weight, indigestion, constipation, susceptibility to colds or infection and general weakness. * * * Valtiva is * * * rich in essential health-building vitamins," appearing in the labeling were misleading in that they represented and suggested and created the impression in the minds of the readers that nervous disorders, skin troubles, loss of appetite, loss of weight, indigestion, constipation, susceptibility to colds or infection, general weakness, and ill health, are commonly caused by the lack of the vitamins A, B_1, G, and D contained in such article, and that readers might reasonably expect to obtain benefit from the use of the article in the treatment of such conditions, whereas these conditions are rarely caused by lack of vitamins A, B_1, G and D, and readers might not reasonably expect to obtain benefit from the use of the article in the treatment of such conditions since it would not ordinarily be efficacious for such purposes.

On December 19, 1942, pleas of nolo contendere having been entered by the defendants, the court imposed a fine of $100 on the count charging misbranding of the thiamin chloride tablets, and suspended imposition of sentence on the counts charging misbranding of the remaining products, such suspension to be permanent after 1 year in the event of no further violations of the law by the defendants.

873. Adulteration and misbranding of citrate of magnesia with magnesium sulfate and misbranding of Pitcher's Castoria. U. S. v. Roma Extract Co., Inc., and Vincenzo Contrino. Plea of guilty. Fine, $50. (F. D. C. No. 7300. Sample Nos. 51685–E, 75662–E, 90417–E.)

On September 10, 1942, the United States attorney for the District of Massachusetts filed an information against the Roma Extract Co., Inc., Boston, Mass., and Vincenzo Contrino. It was alleged in the information that the defendants, within the period from on or about September 23, 1940, to January 11, 1941, sold and delivered to the Hanover Sales Co., Inc., of Boston, Mass., various consignments of Castoria; that at the time of the sale and delivery the defendants in each instance furnished to the Hanover Sales Co., Inc., an invoice containing a guaranty that the article was not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about April 28, 1941, the holder of the guaranty introduced and delivered for introduction into interstate commerce a quantity of the said Castoria from Boston, Mass., to Manchester, N. H.; that the guaranties delivered by the defendants were false since the product, when sold and delivered by the defendants and introduced and delivered for introduction into interstate commerce by the holder of the guaranty, was misbranded. The information further alleged that on or about September 11 and November 10, 1941, the defendants shipped from Boston, Mass., into the State of Rhode Island a quantity of a product known as "Citrate of Magnesia with Magnesia Sulphate," which was adulterated and misbranded, and a quantity of Castoria which was misbranded.

Analysis of a sample of the Castoria showed that it consisted essentially of small proportions of Rochelle salt, sodium bicarbonate, extracts of plant drugs, including senna and wormseed, and sugar and water, flavored with aromatics, including methyl salicylate.

The Castoria was alleged to be misbranded in that the statements appearing in the labeling which represented that it was a reliable remedy for worms and diarrhea due to constipation, and would promote sleep by overcoming these