

the alleviation of painful symptoms of certain female functional irregularities, and were particularly indicated for this purpose for the woman of mature age; that they would be efficacious in reducing the annoying and sometimes painful symptoms of change of life; that they would be efficacious in the treatment of headache or general nervousness during menstrual periods; that they would aid the digestion and strengthen the young woman at the time of puberty; that they would be efficacious in the treatment of nervous irritability, headache, backache, nausea, debility, and rings under the eyes; that they would give the young mother more appetite and assist her in obtaining more nourishment from the food eaten, and alleviate nervousness and weakness, and the tendency to tire easily; that they would be efficacious to bring the joy of motherhood to women; that they would be efficacious in the treatment of irritability, nervousness, melancholia, hysteria, loss of sleep, and peculiar pains in various parts of the body during or preceding change of life; that they would be efficacious in the cure, mitigation, treatment, or prevention of amenorrhea (absence of the menstrual periods or scantiness of the flow for no apparent reason), dysmenorrhea (difficult or painful menstruation), menorrhagia (excessive or abundant menstruation), metritis (inflammation of the matrix), and ovaritis (inflammation of the ovaries); that they would be efficacious to make women more attractive; and that they would develop personal magnetism, prevent loss of vitality, and bring about a feeling of vigor and animation, were false and misleading since the tables were not efficacious for such purposes and would not accomplish the results claimed.

The Laxative Pellets were alleged to be misbranded (1) in that the statements appearing in their labeling which represented and suggested that they would be efficacious in relieving headaches, coated tongue, bad breath, aggravated pimply skin, lassitude, and indigestion were false and misleading since the tablets would not be efficacious in relieving such conditions; (2) in that their labeling did not bear adequate directions for use, since the directions for use displayed in the labeling were indefinite and did not limit the duration of use of the tablets; and, (3) in that the labeling did not bear such adequate warnings against use in those pathological conditions wherein their use might be dangerous to health, or against unsafe duration of administration, in such manner and form as are necessary for the protection of users, since the tablets were a laxative and their labeling did not bear a warning that they should not be used when the symptoms of appendicitis, such as nausea, vomiting, and abdominal pain, were present, and that frequent or continued use of the tablets might result in dependence on laxatives.

On October 4, 1943, the defendant entered a plea of nolo contendere, and on October 25, 1943, the court imposed a fine of \$150.

1009. Misbranding of McMillan's Nomoppin and Demytin, and adulteration and misbranding of effervescent solution of citrate of magnesia. U. S. v. William Cicero McMillan (McMillan Drug Co.). Plea of guilty. Fine, \$1. (F. D. C. Nos. 5486, 10584. Sample Nos. 254-E, 20499-E, 20925-E, 35609-F.)

The products "Nomoppin" and "Demytin" were misbranded because of false and misleading curative and therapeutic claims in the labeling, and the effervescent solution of citrate of magnesia was adulterated and misbranded because of failure to conform with the Pharmacopoeia requirements, and because the labeling failed to bear such adequate warnings as are necessary for the protection of users.

On September 9 and November 3, 1943, the United States attorney for the Eastern District of South Carolina filed two informations against William Cicero McMillan, trading as the McMillan Drug Co. at Columbia, S. C., alleging shipment within the period from on or about September 10 and 24, 1940, March 3, 1941, and August 24, 1943, from the State of South Carolina into the State of Georgia of quantities of McMillan's Nomoppin and McMillan's Demytin which were misbranded, and of a quantity of effervescent solution of citrate of magnesia which was adulterated and misbranded.

Analysis of a sample of the "Nomoppin" showed that it consisted essentially of potassium arsenite containing 2.01 grams of arsenic trioxide per 100 cc., and water. Analysis of samples of "Demytin" showed that it consisted essentially of calcium thiosulfate, calcium polysulfide, and water.

The Nomoppin was alleged to be misbranded in that representations on the bottle label and in the accompanying circular to the effect that it would be efficacious as a remedy, cure, or preventative for chicken sorehead (chicken pox); that it would be efficacious to aid egg production, hasten molting, and brighten plumage; that it would prevent loss of flesh and vigor from sorehead; that it was an internal remedy which would be efficacious in the treatment of sorehead with-

out the necessity of catching, greasing, and other local treatment; that it would protect little and big chicks from mites; and that it would increase egg production and improve the health of the flock so that more and stronger chicks would be raised were false and misleading since the article would not be efficacious to accomplish such purposes. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the label of the container bore no statement of the quantity of the contents; and in that its label did not bear the common or usual name of the article, potassium arsenite.

The Demytin was alleged to be misbranded in that representations on the bottle label and in the accompanying circular to the effect that it would increase egg yield by freeing hens from mites; that it would be efficacious in preventing diarrhea; that it would promote prompter molting, and induce an earlier return to laying conditions; that it would tend to brighten plumage; that it would protect little and big chicks from mites; that it would increase egg production and improve the health of the flock so that more and stronger chicks were raised; and that it would supply a ration ingredient which is often absent and which is required to produce the egg, build bone, strength, and vigor, were false and misleading since the article would not be efficacious for such purposes.

The solution of citrate of magnesia 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, an official compendium, and its strength differed from and its quality fell below the standard set forth in that compendium since the article contained, in each 100 cc., an amount of magnesium citrate corresponding to not more than 0.653 gram of magnesium oxide, and 10 cc. of the solution contained citric acid equivalent to not more than 13.1 cc. of half-normal hydrochloric acid, whereas the Pharmacopoeia provides that solution of magnesium citrate shall contain, in each 100 cc., an amount of magnesium citrate corresponding to not less than 1.6 gram of magnesium oxide, and that 10 cc. of the solution shall contain citric acid equivalent to not less than 26 cc. of half-normal hydrochloric acid.

The solution of citrate of magnesia was alleged to be misbranded in that its labeling did not bear adequate warnings against use in those pathological conditions wherein its use might be dangerous to health, since it was a cathartic or laxative drug and should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis are present, and a statement that frequent and continued use might result in dependence upon laxatives. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On November 3, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1, which was applicable to the 2 informations, with the understanding that the defendant immediately discontinue interstate business and discontinue business entirely on or before January 1, 1944.

1010. Misbranding of Iowa Worm Powder and Iowa Regulator for Hogs. U. S. v. Howard-Iowa Products Co. Demurrer to count 1 of the information filed and sustained. Pleas of guilty entered to remaining counts. Fine of \$100 on each of 2 counts, together with costs. (F. D. C. No. 8734. Sample Nos. 94545-E, 94546-E.)

On January 8, 1943, the United States attorney for the Southern District of Iowa filed an information in 2 counts against the Howard-Iowa Products Co., a corporation, Jefferson, Iowa, alleging shipment on or about March 23, 1942, from the State of Iowa into the State of Illinois of a quantity of Iowa Worm Powder and Iowa Regulator for Hogs.

Analysis of the Iowa Worm Powder showed that it consisted essentially of sodium bicarbonate, compounds of calcium, magnesium, iron and aluminum, santonin, charcoal, and plant material, including flaxseed.

Count 1 of the information alleged that the Iowa Worm Powder was misbranded in that certain statements and designs borne on the carton containing the article, and certain statements in the circular enclosed in the carton were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of all species of worms that infest hogs, and that it would correct unthriftiness in hogs resulting from all species of worms, whereas the article would not be efficacious for the purposes recommended.

Analysis of the Iowa Regulator for Hogs showed that it consisted essentially of sodium sulfate, sodium bicarbonate, sodium chloride, ammonium chloride, calcium carbonate, calcium phosphate, sulfur, a compound of iron, charcoal, and unidentified plant material.