article was labeled in part: "4 Oz. * * * Calomel (Mild Mercurous Chloride) U. S. P. XI Poison Mfd. by F. W. Berk Co., Inc., Wood Ridge, N. J. Day Chemical Co., * * * Contractor."

The article 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, but its purity fell below the standard set forth therein since the Pharmacopoeia provides that, when tested as prescribed, the ether extract from 2 grams of calomel shall show no more chloride (mercury bichloride) than corresponds to 0.1 cc. of 50th normal hydrochloric acid, whereas the article, when tested by the method prescribed in that compendium, contained more chloride than corresponded to 0.1 cc. of 50th normal hydrochloric acid.

It was alleged to be misbranded in that the statement appearing on its label, "Calomel (Mild Mercurous Chloride) U. S. P. XI," was false and misleading since the article was not calomel (mild mercurous chloride) U. S. P. XI.

On January 18 and 28, 1943, F. W. Berk & Co., Inc., New York, N. Y., having appeared as claimant for the lot at Richmond, and F. W. Berk & Co., Inc., and the Day Chemical Co. having appeared as claimants for the lot at Denver, and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for reprocessing under the supervision of the Food and Drug Administration.

1024. Adulteration of Special Enteric Tablets. U. S. v. 7,700 Special Enteric Tablets. Decree of condemnation and destruction. (F. D. C. No. 9599. Sample No. 3149–F.)

Analysis of a sample of this product showed that each tablet contained not more than 1.01 grains of nicotine sulfate per tablet.

On March 23, 1943, the United States attorney for the District of Nebraska filed a libel against 7,700 Special Enteric Tablets at Omaha, Nebr., alleging that the article had been shipped on or about July 30, 1942, from St. Louis, Mo., by Charles H. Dietz, Inc.; and charging that it was adulterated. The article was labeled in part: "Special Enteric SC Red Tablet Rx 2940 Each C. T. contains: Nicotine sulphate___1.9375 gr." (the letters C. T. meaning compressed tablet).

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess.

On June 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1025. Adulteration and misbranding of lubricating jelly. U. S. v. 2,877 Jars and 3,945 Jars of Lubricating Jelly. Consent decree of forfeiture and destruction. (F. D. C. Nos. 8245, 8267. Sample Nos. 5163–F, 5440–F, 29128–F.)

On August 27, 1942, the United States attorneys for the Northern Districts of Georgia and Ohio filed libels against 2,877 jars and 3,945 jars of lubricating jelly at Atlanta, Ga., and Toledo, Ohio, respectively, alleging that the article had been shipped on or about July 15 and August 17, 1942, by the Lambert Pharmacal Co., from St. Louis, Mo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, "Sterile."

It was alleged to be misbranded in that the designation "Sterile" was misleading since it created the impression that the article was sterile, whereas it was not sterile but was contaminated with living anaerobic and aerobic spore-bearing bacteria.

On October 13, 1942, the Lambert Pharmacal Co. having appeared as claimant for the lot at Toledo, the action was ordered transferred to the Northern District of Georgia for consolidation with the proceeding against the Atlanta lot. After the consolidation and in accordance with a stipulation filed by the parties, an order was entered on October 19, 1942, providing for the removal of the consolidated case for trial to the Eastern District of Illinois. On November 4, 1942, an answer was filed by the claimant denying that the article was adulterated or misbranded, and on April 6, 1943, the claimant filed a petition for re-delivery of the product for the purpose of reprocessing it. On the same date the court ordered it released under bond, conditioned that it be reprocessed under the supervision of the Food and Drug Administration. On July 22, 1943, by consent of the claimant, judgment was entered vacating the order of April 6, 1943, and providing for the forfeiture and destruction of the product.

1026. Adulteration and misbranding of lubricating jelly. U. S. v. 120 Packages and 13½ Dozen Packages of Lubricating Jelly. Decrees of condemnation and destruction. (F. D. C. Nos. 9355, 9356. Sample Nos. 29054–F, 38019–F.)

On February 10 and 13, 1943, the United States attorneys for the Northern Districts of Illinois and Georgia filed libels against 120 packages of lubricating

jelly at Chicago, Ill., and 13½ dozen packages at Atlanta, Ga., alleging that the article had been shipped on or about December 9 and 31, 1942, from Detroit, Mich., by White Cross Pharmacals, Inc.; and charging that it was adulterated and misbranded. The article was labeled in part: "American Surgical Lubricating Jelly * * * Made for American Hospital Supply Corp.," or "White Cross Surgical Lubricating Jelly."

The article was alleged to be adulterated in that its purity and quality fell below that which it was represented to possess, "Sterilized."

It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article was sterile and was a suitable lubricant for surgical use were false and misleading since the article was not sterile but was contaminated with living micro-organisms and was not suitable for such use.

On April 8 and 12, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1027. Adulteration and misbranding of Pantabee. U. S. v. 12 Bottles of Pantabee. Decree of condemnation. Product ordered delivered for the use of a public institution. (F. D. C. No. 9410. Sample No. 24197–F.)

Biological assay showed that the article contained not more than 250 International Units of vitamin B_1 per capsule.

On February 20, 1943, the United States attorney for the District of Columbia filed a libel against 12 bottles, each containing 50 capsules, of Pantabee at Washington, D. C., alleging that the article had been shipped on or about January 13, 1943, from Richmond, Va., by Charles C. Haskell & Co., Inc.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented on its label to possess, 333 International Units of vitamin B_1.

It was alleged to be misbranded in that the statement "Each capsule contains: Vitamin B_1 . . . 333 International Units," which appeared on its label, was false since each capsule did not contain that amount of vitamin B_1.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods as reported in the notices of judgment on foods, No. 5774.

On June 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

1028. Adulteration and misbranding of elixir thiamine hydrochloride. U. S. v. 52 Bottles of Elixir Thiamine Hydrochloride. Decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 9591. Sample No. 23501–F.)

Examination showed that this product contained substantially less than 250 International Units (USP Unit) of vitamin B_1 per fluid ounce.

On March 19, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 52 bottles, each containing 1 gallon, of the above-named product at Philadelphia, Pa., alleging that the article had been shipped on or about February 2, 1943, from Newark, N. J., by the Standard Drug Co.; and charging that it was adulterated and misbranded. A portion of the article (35 bottles) was labeled in part: "Standard Elixir Vitamin B_1 N. J. F. Elixir Thiamin Hydrochloride. Each fluid ounce contains 500 Intern. Units Vitamin B_1." The remainder of the article (17 bottles) had been relabeled by the consignee and at the commencement of the libel proceedings was labeled in part: "Elixir Thiamine Hydrochloride * * * Each fluid ounce contains: Thiamine Hydrochloride—1.5 mg. (equivalent to Vitamin B–1—500 Units)."

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess.

It was alleged to be misbranded in that the following statements on the bottles bearing the original labels: "Each fluid ounce contains 500 Intern. Units Vitamin B_1"; and the following statements on the labels of the relabeled portion: "Each Fluid ounce Contains: Thiamine Hydrochloride—1.5 mg. (equivalent to Vitamin B–1—500 Units)" were false since the article contained a lesser amount of vitamin B_1 per fluid ounce.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods as reported in notice of judgment on food No. 5779.

On May 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered to be delivered to charitable institutions.