

**1058. Misbranding of Davis Formula No. 7895 and standardized solution of vitamin A, and Anti-Ur-Acid and vitamin B<sub>1</sub> tablets.** U. S. v. Edward R. Davis (E. R. Davis Prescription Co.). Plea of guilty. Fines, \$500 on count 1 and \$1 each on counts 2 and 3, plus costs. (F. D. C. No. 7742. Sample Nos. 23097-E, 93233-E, 95346-E.)

On July 30, 1943, the United States attorney for the Western District of Washington filed an information against Edward R. Davis, trading as the E. R. Davis Prescription Co., at Bellingham, Wash., alleging shipment from the State of Washington into the State of California, on or about December 17, 1941, and June 23, 1942, of a number of cartons, each containing a bottle of Davis Formula No. 7895 and a bottle of Standardized Solution of Vitamin A; and into the State of Oregon, on or about May 14, 1942, of a carton containing a box of Anti-Ur-Acid powder and a box of vitamin B<sub>1</sub> tablets.

Analysis showed that the Davis Formula No. 7895 consisted essentially of potassium iodide, an extract of a plant drug such as Lobelia, a small proportion of chloroform, sugar, alcohol, and water; and that the solution of vitamin A contained 32,500 U. S. P. units of vitamin A per gram.

The formula and the solution of vitamin A were alleged to be misbranded in that the statements in their labeling which represented and suggested that, when used as directed, with the diet suggested, they would be an adequate treatment for asthma, including bronchial and spasmodic asthma, were false and misleading since they would not be an adequate treatment for such conditions.

Analysis showed that the Anti-Ur-Acid was a powder consisting essentially of magnesium sulfate, potassium bitartrate, and sodium bicarbonate; and that the vitamin B<sub>1</sub> tablets contained between 0.90 mg. and 0.95 mg. of the vitamin per tablet.

The powder and the vitamin B<sub>1</sub> tablets were alleged to be misbranded in that the name "Anti-Ur-Acid" was misleading, since the name suggested and created the impression in the mind of the reader that the articles would neutralize and correct excess uric acid, whereas they would not neutralize or correct excess uric acid. They were alleged to be misbranded further in that the name "Anti-Ur-Acid," and the statements in the labeling which represented and suggested that rheumatic, neuritic, and arthritic pains, gout, dropsy, and similar disease conditions, suggested by the abbreviation "etc.," were caused by excess uric acid and that the articles would be efficacious in the treatment of those conditions, were false and misleading since those disease conditions are not caused by excess uric acid, and the articles would not be efficacious for the purposes claimed. The articles were alleged to be misbranded further in that the labeling failed to bear adequate directions for use, since the statement "Take about ½ hour before breakfast" created the impression that the powder should be taken every morning, whereas the powder was a laxative and should not be taken continuously.

On November 20, 1943, the defendant having entered a plea of guilty, the court imposed fines of \$500 on count 1 and \$1 each on counts 2 and 3, plus costs, a total fine of \$543.60.

**1059. Misbranding of Mrs. Price's Specially Prepared Package of Boric Acid.** U. S. v. 53 Packages of Mrs. Price's Specially Prepared Package of Boric Acid (and 5 other seizure actions against the same product). Default decrees of condemnation. Portion of the product ordered delivered to a local public institution; remainder ordered destroyed. (F. D. C. Nos. 9984, 9990 to 9993, incl., 10043. Sample Nos. 22645-F, 22647-F, 22773-F, 22775-F, 23281-F, 23282-F, 23284-F, 32514-F.)

Examination showed that this product consisted of boric acid meeting the requirements of the United States Pharmacopoeia.

Between May 20 and June 7, 1943, the United States attorneys for the Eastern and Middle Districts of Pennsylvania and the Northern District of Ohio filed libels against 53 packages at Wilkes-Barre, Pa., 186 packages at Philadelphia, Pa., 238 packages at Lancaster, Pa., 248 packages at Harrisburg, Pa., 115 packages at Northumberland, Pa., and 5 packages at Cleveland, Ohio, each package containing 12 envelopes of boric acid and 3 pamphlets entitled "Mrs. Price's Complete Directions For Canning Vegetables and Fruits Pickling, etc. \* \* \* ." It was alleged that the article had been shipped within the period from on or about March 15 to April 21, 1943, from Minneapolis, Minn., by the Price Compound Company; and charged that it was misbranded.

The article was alleged to be misbranded (1) in that the statements in its labeling which represented and suggested that boric acid, when used as directed in the canning of vegetables, fruits, and pickles, might safely be used for those purposes, and would effect proper sterilization and destroy bacterial spores capable of causing spoilage, thereby preventing a substantial amount of waste