

in home-canned products, were misleading, since such use would be potentially dangerous to the health of the consumer, would not insure proper sterilization, and would not destroy resistant bacterial spores capable of causing spoilage, and thus would not insure the prevention of a substantial amount of waste in home-canned products; (2) in that the statements in its labeling whereby the home canner was admonished to sterilize jars, and particularly rubber rings, by boiling for 15 or 20 minutes were misleading, since the directions for sterilizing were inadequate for the reason that sterilization of jars and rubber rings cannot always be accomplished by boiling for 15 or 20 minutes because of the heat resistance of spore-forming bacteria; (3) in that the statement in its labeling " \* \* \* Wash thoroughly, as the most dangerous and the most difficult bacteria to destroy are in the soil," was misleading since it suggested and represented that the thorough washing of vegetables would eliminate the most dangerous and difficult bacteria to destroy, the common habitat of which is in soil, whereas thorough washing of vegetables will not insure such effects; and (4) in that the statements in its labeling, "Mrs. Price's Specially Prepared Package of Boric Acid Manufactured for, Prepared and Distributed by The Price Compound Company \* \* \* Minneapolis, Minn. \* \* \* It is not claimed that the contents of this package contains anything of food value," were misleading because they failed to reveal the consequences which might result from the use of the article under the conditions prescribed in the labeling, since the processing recommended would not insure proper sterilization and might thereby result in danger to health; and the label further failed to reveal that the amount of boric acid which might be ingested when used as prescribed was such as might render the product deleterious to health. The article was alleged to be misbranded further in that it was a drug and its labeling failed to bear adequate directions for use.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods, No. 5760.

Between June 26 and August 9, 1943, no claimant having appeared, judgments of condemnation were entered and it was ordered that the lots at Philadelphia and Lancaster be delivered for the use of some local public institution, and that the other lots be destroyed.

#### DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS\*

**1060. Adulteration and misbranding of ephedrine sulfate. U. S. v. Reuben Seltzer (Success Chemical Co.). Plea of guilty. Fine, \$750. (F. D. C. No. 9618. Sample No. 19062-F.)**

Analysis of a sample of this product showed that it contained not more than 2.24 grams (2.24 percent) of ephedrine sulfate per 100 cc.

On May 18, 1943, the United States attorney for the Eastern District of New York filed an information against Reuben Seltzer, trading as the Success Chemical Co., Brooklyn, N. Y., alleging shipment on or about July 23, 1942, of a quantity of the above-named article from the State of New York into the State of New Jersey.

The article was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which, "Solution of Ephedrine Sulfate," is recognized in the National Formulary, an official compendium, but its strength differed from and its quality fell below the standard set forth in that compendium since it contained less than 2.8 grams of ephedrine sulphate in each 100 cc., whereas the Formulary provides that "Solution of Ephedrine Sulfate contains in each 100 cc., not less than 2.8 Gm. \* \* \* of Ephedrine Sulfate"; and its difference in strength and quality from the standard set forth therein was not plainly stated on the label.

It was alleged to be misbranded in that the statement "Ephedrine Sulfate N. F. VI A Solution of 3% Ephedrine Sulfate," borne on its label, was false and misleading.

On June 17, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$250 on count 1, and \$500 on count 2, a total of \$750.

\*See also Nos. 1054-1056.