ALLEGED SHIPMENT: On or about January 23, 1948, from the State of California into the State of Washington.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, since each cubic centimeter of the article was represented to contain 2 milligrams of riboflavin, 100 milligrams of niacinamide, and 50 milligrams of thiamine hydrochloride, whereas each cubic centimeter of the article contained less than those amounts of riboflavin, niacinamide, and thiamine hydrochloride.

Misbranding, Section 502 (a), the label statements "Each cc. Contains Riboflavin (B_2) . . . 2 milligrams * * * Niacinamide . . . 100 milligrams Thiamine Hydrochloride . . . 50 milligrams" were false and misleading.

DISPOSITION: November 29, 1948. Pleas of nolo contendere having been entered, the court imposed fines of $51 and $2 against Ray F. McMullin and Walter E. Sterz, respectively.

2516. Adulteration and misbranding of Millard's Triple Prescription Formula Tablets No. 1 and misbranding of Millard's Triple Prescription Formula Tablets No. 2 and No. 3. U. S. v. The Millard Co. and Millard H. Krasne. Pleas of guilty. Fines of $120 against the company and $80 against the individual, together with costs. (F. D. C. No. 24260. Sample Nos. 68556–H, 99645–H.)

INFORMATION FILED: July 9, 1948, Southern District of Iowa, against the Millard Co., a partnership, Council Bluffs, Iowa, and Millard H. Krasne, a member of the partnership.

ALLEGED SHIPMENT: On or about May 21 and June 25, 1947, from the State of Iowa into the States of Missouri and Nebraska.

PRODUCT: Analyses disclosed that the *Tablets No. 1* in the May 21 shipment were compressed white tablets consisting essentially of acetylsalicylic acid; that the *Tablets No. 2* in that shipment were brown-coated tablets consisting chiefly of phenolphthalein and aloin; that the *Tablets No. 1* in the June 25 shipment were white compressed tablets containing much less than the declared amounts of caffeine and aspirin and more than the declared amount of acetophenetidin; and that the *Tablets No. 2* in the latter shipment consisted of brown-coated tablets containing chiefly phenolphthalein, aloin, podophyllin, and calcium carbonate. The composition of the *Tablets No. 3* agreed substantially with the label declaration.

LABEL, IN PART: "Tablets No. 1 * * * Contains: 5 Gr. Acetosalicylic Acid, 2 Gr. Caffeine, 1½ Gr. Acetophenitidin," "Tablets No. 2 * * * Contains: Aloin, Podophyllin, Sodium Salicylate, Ginger extract of Belladonna," and "Tablets No. 3 * * * Contains: Carotene, Thiamin Hydrochloride, Ascorbic Acid, Riboflavin, Calcium Pantothenate, Nicotinamide, and Pyroxidine."

NATURE OF CHARGE: *Tablets No. 1.* Adulteration, Section 501 (c), the strength of the tablets differered from that which they purported and were represented to possess. The tablets purported and were represented to contain 5 grains of acetylsalicylic acid, 2 grains of caffeine, and 1½ grains of acetophenetidin, whereas the tablets in the May 21 shipment contained less than 2 grains of caffeine and less than 1½ grains of acetophenetidin and the tablets in the June 25 shipment contained less than 5 grains of acetylsalicylic acid, less than 2 grains of caffeine, and more than 1¼ grains of acetophenetidin. Misbranding, Section 502 (a), certain statements in the labeling of the article which represented and suggested that each tablet contained 5 grains of acetylsalicylic acid, 2 grains of caffeine, and 1¼ grains of acetophenetidin, were false and misleading. Further misbranding, Section 502 (a), certain statements in the labeling of the article, which included an enclosed booklet entitled "I Hope Sincerely That My Medicines Relieve Your Pains Promptly," were false and misleading. Such statements represented and suggested that the article would be effective to relieve congestion; that when used in conjunction with *Tablets No. 2* and *Tablets No. 3*, it would be effective to eliminate pain caused by rhematism, arthritis, neuritis, sciatica, and leg cramp, and to improve health, vigor, and endurance; and that when used in conjunction with *Tablets No. 2*, it would be effective to activate the liver, to produce more bile, and to improve assimilation. The article would not be effective for such purposes.

Tablets No. 2. Misbranding, Section 502 (a), a statement in the labeling that the article contained sodium salicylate was false and misleading, since

the article contained no sodium salicylate; and certain statements in the labeling, which included the enclosed booklet referred to above, were false and misleading, since the statements represented and suggested that the article when used in conjunction with *Tablets No. 1* and *Tablets No. 3* would be effective to eliminate pain caused by rheumatism, arthritis, neuritis, sciatica, and leg cramp, and to improve health, vigor, and endurance; that when used alone and in conjunction with *Tablets No. 1*, it would be effective to activate the liver, to produce more bile, and to improve assimilation; and that when used with *Tablets No. 3*, it would be effective to maintain normal health. The article would not be effective for such purposes. Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients; its label failed to bear the common or usual name of each active ingredient since the article contained as one of its active ingredients, phenolphthalein, and the label failed to declare the presence of phenolphthalein; and the article contained the alkaloids of atropine, hyoscine, and hyoscyamine, as constituents of belladonna, and its label did not bear the name and quantity or proportion of the said alkaloids, nor did the label bear, in lieu thereof, the quantity or proportion of the total alkaloids contained as constituents of belladonna.

Tablets No. 3. Misbranding, Section 502 (a), certain statements in the labeling of the article, which included the above-mentioned booklet, were false and misleading. Such statements represented and suggested that the article when used in conjunction with *Tablets No. 1* and *Tablets No. 2*, would be effective to eliminate pains caused by rheumatism, arthritis, neuritis, sciatica, and leg cramp; that when used alone and in conjunction with the other tablets, the article would be effective to improve health, vigor, and endurance; and that when used in conjunction with *Tablets No. 2*, it would be effective to maintain normal health. The article would not be effective for such purposes.

DISPOSITION: September 24, 1948. Pleas of guilty having been entered, the court imposed a fine of $120 against the partnership and $80 against the individual, together with costs.

2517. Adulteration and misbranding of Cal-Par. U. S. v. Hood Products Corp. and Charles H. Fingerhood. Pleas of guilty. Fine of $1,000 against defendants jointly. (F. D. C. No. 6504. Sample No. 61018-E.)

INFORMATION FILED: April 6, 1944, Southern District of New York, against the Hood Products Corp., New York, N. Y., and Charles H. Fingerhood, an officer of the corporation.

ALLEGED SHIPMENT: Between May 10 and 14, 1941, from the State of New York into the State of Washington.

PRODUCT: Microscopic examination showed that the product contained wheat germ, wheat bran, wheat flour, and crystalline material. It contained also compounds of calcium and iron.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from, and its quality fell below, that which it purported and was represented to possess. The article was represented to contain 1.8 grams of phosphorus per two heaping teaspoonfuls, whereas it contained not more than 0.476 gram of phosphorus per two heaping teaspoonfuls.

Misbranding, Section 502 (a), the label statement "Two Heaping Teaspoonfuls supply approximately * * * 1.8 Grams of Phosphorus" was false and misleading, since the article contained not more than 0.476 gram of phosphorus per two heaping teaspoonfuls.

Further misbranding, Section 502 (a), certain statements on the label and in an accompanying leaflet, circular, and display card, were false and misleading. These statements represented and suggested that the article when used as directed by a specified plan, would be efficacious in reducing weight; that it would supply the average person's daily needs of phosphorus; that by supplying calcium it would promote strong teeth, sturdy bones, firm flesh, and pliant muscles; that by supplying phosphorus it would promote the most highly efficient brain cells; that by supplying iron it would aid the red corpuscles of the body to function; that the article would supply the necessary elements of nutrition to increase weight; that the daily use of the article would supply