the equipment to make the thiachrome determination for thiamine and that you would have to, therefore, revise your manufacture and procedure?

A. We did not have the equipment. Now, about the revision of manufacturing procedure, that goes on almost every day.

"The appellee refers to this lack as constituting 'poor manufacturing controls.' In resisting this charge, the appellants, in their reply brief, run into another admission:

When the Government uses the term "poor manufacturing controls" it undoubtedly refers to the *fact* that appellants did not always test their products at the conclusion of the manufacture. [Emphasis supplied.]

"All this, we think, further supports the trial court's judgment that the appellants' products in question were so deficient or contaminated as to result in a violation of the Act.

8. Conclusion

"While in the foregoing discussion we have copiously referred to the transcript, we have not attempted to give a complete summary of the evidence. To have done so would have unduly lengthened this opinion.

"Our careful study of the entire record, however, has convinced us that there was no error in the judgment below, and it is accordingly affirmed."

2940. Adulteration of Pamestrogen Suspension. U. S. v. 90 Vials * * *. (F. D. C. No. 27450. Sample No. 31837–K.)

Libel Filed: July 1, 1949, Southern District of California.

Alleged Shipment: On or about January 3, 1949, by Hema Drug Co., Inc., from Maspeth, N. Y.

Product: 90 10-cc. vials of *Pamestrogen Suspension* at Los Angeles, Calif. The article was unlabeled when shipped but was invoiced as "a suspension consisting of * * * Estradiol (0.225 mgm. per cc.)." Analysis showed that it contained 0.045 mgm. of alpha estradiol per cubic centimeter.

Label, in Part: (Label applied after shipment) "Pamestrogen Suspension An Aqueous suspension of Estrogenic Hormones Each cc. contains 0.225 milligrams of Estradiol."

Nature of Charge: Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 0.225 milligrams of alpha estradiol per cubic centimeter.

Disposition: August 18, 1949. Default decree of condemnation and destruction.

2941. Adulteration of Vibarso. U. S. v. 80 Vials * * *. (F. D. C. No. 27475 Sample No. 43494–K.)

Libel Filed: On or about August 4, 1949, Northern District of Illinois.

Alleged Shipment: On or about June 3, 1949, by the Vitamix Corp., from Philadelphia, Pa.

Product: 80 vials of *Vibarso* at Chicago, Ill.

Label, in Part: "30 cc. Multiple Dose Vial Vibarso Bismuth Dimethylarsonate Sterile—Intramuscular."

Nature of Charge: Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since it was represented to be for intramuscular use and it contained undissolved material, whereas an article which is represented to be for intramuscular use should be substantially free of any undissolved material.

Disposition: October 17, 1949. Default decree of condemnation and destruction.