

19494. Adulteration and misbranding of tincture aconite. U. S. v. Five 4-ounce Bottles of Tincture Aconite U. S. P. X. Standard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27792. I. S. No. 38192. S. No. 5887.)

The tincture aconite in the shipment involved in this action was represented to be of pharmacopoeial standard. Samples examined were found to possess a potency of less than two-thirds of that required by the United States Pharmacopoeia, tenth revision, for tincture of aconite.

On March 7, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five 4-ounce bottles of the said tincture aconite at New York, N. Y., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about February 4, 1932, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tincture Aconite U. S. P. X. Standard."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, in that it had a potency of less than two-thirds of that required by said standard.

Misbranding was alleged for the reason that the statements on the label, "Tincture Aconite U. S. P. X. Standard (Tinctura Aconiti) * * * biologically standardized," were false and misleading.

On April 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19495. Misbranding of Admirine. U. S. v. 12 Dozen Bottles of Admirine. Default decree of destruction entered. (F. & D. No. 27316. I. S. No. 47081. S. No. 5439.)

Examination of a drug product, known as Admirine, showed that the article was recommended as a treatment for certain ailments for which cinchona derivatives are customarily prescribed and that cinchona derivatives were not present in the article in sufficient amount to constitute an adequate treatment for such ailments when used according to the dosage recommended under the heading on the bottle label, "To Stop Chills and Fever." The labeling of the article contained further unwarranted curative and therapeutic claims.

On December 1, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of the said Admirine, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by Kolb Bros. Drug Co., from Paducah, Ky., on or about January 19, 1931, and had been transported from the State of Kentucky into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Admirine by this department showed that the article consisted essentially of the hydrochlorides of cinchona alkaloids (quinidine and cinchonidine, 1.37 grams per 100 milliliters), ferric chloride (0.4 gram per 100 milliliters), extract of a laxative plant drug, a trace of eucalyptus oil, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "The 'Body Builder' * * * Blood Medicine * * * The Body Builder Is recommended to * * * stimulate the Liver and Kidneys to action. * * * Purifies the blood, destroys Malaria, stops Chills and Fever quickly and restores vitality to the weakened body. * * * The 'Body Builder' * * * Blood Medicine For Tired Feeling, Sluggish Liver, Enlarged Spleen, * * * Dizziness, * * * Belching of Gas, Sour Stomach, Weakness, Tired, Lazy Feeling, * * * Indigestion, Foul Breath, Coated Tongue, Liver Spots, Nervousness, Sallow Skin, Melancholia, Pimples, Chronic Chills or Ordinary Chills, Periodical Fevers and the different forms