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ARTHUR M. HYDE, *Secretary of Agriculture.*

19661. Adulteration and misbranding of magnesium sulphate compound capsules, silver nitrate compound capsules, decaphen capsules, benzoic acid compound tablets, ammonium salicylate compound tablets, and cinchophen tablets. U. S. v. S. F. Durst & Co. Pleas of guilty. Fines, \$300. (F. & D. Nos. 27479, 27519. I. S. Nos. 28783, 29804, 29805, 29806, 30928, 30952.)

This action was based on the interstate shipment of quantities of drug preparations consisting of tablets or capsules containing one or more drugs. The labels of all products bore a declaration of the various drugs and the amount of each drug alleged to be present in the tablet or capsule. Analyses showed a material shortage or excess of one or more of the principal drugs in all of the products. The labels of the magnesium sulphate compound tablets and the silver nitrate compound tablets also bore unwarranted therapeutic claims. The ammonium salicylate compound tablets contained acetphenetidin and failed to state on the label that the acetphenetidin is a derivative of acetanilid.

On March 28, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid two informations against S. F. Durst & Co., a corporation, Philadelphia, Pa., charging violation of the food and drugs act as amended. The information alleged that on or about October 10, October 13, and October 21, and December 5, 1930, the said defendant shipped from Pennsylvania into New Jersey quantities of magnesium sulphate compound capsules, silver nitrate compound capsules, and decaphen capsules; that on or about April 25, 1931, and April 27, 1931, the said defendant had shipped from Pennsylvania into New Jersey quantities of acid benzoic compound tablets and cinchophen tablets respectively; and that on or about April 9, 1931, the defendant had shipped from Pennsylvania into Maryland a quantity of ammonium salicylate compound tablets; and that the said drugs were adulterated and misbranded in violation of the food and drugs act as amended. The articles were labeled in part, respectively: "Durst * * * Capsules Magnesium Sulphate Comp. * * * Calomel $\frac{1}{4}$ gr.;" "Durst * * * Capsules Silver Nitrate Comp. Silver Nitrate $\frac{1}{4}$ gr.;" "Durst * * * Capsules Decaphen Cincophen 1 gr. * * * Amidopyrine 1 gr.;" "Durst * * * Acid Benzoic Comp. Benzoic Acid 2 gr.;" "Durst * * * Ammonium Salicylate Comp. No. 2 Acetphenetidin * * * Ammonium Salicylate $\frac{1}{2}$ gr.;" "Durst * * * Cincophen $7\frac{1}{2}$ grs. * * * Durst & Company Manufacturing Pharmacists Philadelphia Pennsylvania."

Adulteration of the articles was alleged in the informations for the reason that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the magnesium sulphate compound capsules was represented to contain one-fourth grain of calomel, whereas each of said capsules contained not more than 0.213 grain of calomel. Each of the silver nitrate compound capsules was represented to contain one-fourth grain of silver nitrate, whereas each of said capsules contained more than so represented, to wit, not less than 0.405 grain of silver nitrate; each of the decaphen capsules was represented to contain 1 grain of cinchophen and 1 grain of amidopyrine, whereas each of said capsules contained less of the said drugs than so represented, to wit, not more than 0.65 grain of cinchophen and not more than 0.78 grain of amidopyrine; each of the acid benzoic compound tablets was represented to contain 2 grains of benzoic acid, whereas each of said tablets contained more than so represented, to wit, not less than 2.585 grain of benzoic acid; each of the ammonium salicylate compound tablets was represented to contain $\frac{1}{2}$ grain of ammonium salicylate, whereas each of said tablets contained more than so represented, to wit, not less than 0.57 grain of ammonium salicylate, i. e., 11 per cent more than labeled; and each of the cinchophen tablets was represented to contain $7\frac{1}{2}$ grains of cinchophen, whereas each of said tablets contained less than so represented, to wit, not more than 6.331 grains, i. e., five-sixths of the amount of cinchophen stated on the label.

Misbranding was alleged for the reason that the statement "Calomel $\frac{1}{4}$ gr.," borne on the label of the bottle containing the magnesium sulphate compound capsules, "Silver Nitrate $\frac{1}{4}$ gr.," borne on the label of the bottle containing the silver nitrate compound capsules, "Cincophen 1 gr. * * * Amidopyrine

1 gr.," borne on the label of the bottle containing the decaphen capsules, "Benzoic Acid 2 grs.," borne on the label of the bottle containing the acid benzoic compound tablets, "Ammonium Salicylate ½ gr.," borne on the label of the bottle containing the ammonium salicylate compound tablets, and "Cincophen 7½ grs.," borne on the label of the bottle containing the cinchophen tablets, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the articles did not contain the said drugs in the amounts declared on the label. Misbranding was alleged with respect to the magnesium sulphate compound capsules for the further reason that a certain statement appearing on the bottle label falsely and fraudulently represented that it was effective as a treatment for high blood pressure, whereas it was not; and with respect to the silver nitrate compound capsules for the reason that a certain statement appearing on the bottle label falsely and fraudulently represented that it was effective as a treatment for gastritis, whereas it was not, the products containing no ingredients or medicinal agents effective to produce the said curative and therapeutic effects. Misbranding was alleged with respect to the ammonium salicylate compound tablets for the reason that the article contained acetphenetidin, a derivative of acetanilid, and the fact that acetphenetidin is a derivative of acetanilid was not stated on the label.

On June 13, 1932, a plea of guilty to each information was entered on behalf of the defendant company, and the court imposed a fine of \$150 in each case, a total of \$300.

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19662. Misbranding of Germaline tablets. U. S. v. 129 Packages of Germaline Tablets. Default decree of condemnation and forfeiture. (F. & D. No. 28290. I. S. No. 47523. S. No. 6163.)

Examination of the drug product, Germaline tablets involved in this action, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the carton label.

On May 10, 1932, the United States attorney for the District of Nebraska, 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 129 packages of the said Germaline tablets, remaining in the original unbroken packages at Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about January 28, 1932, by the Shores-Mueller Co., from Cedar Rapids, Iowa, to Omaha, Nebr., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium sulphate, potassium permanganate, and sodium chloride.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the carton, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Germaline * * * For the Treatment of Poultry Ailments Such As Cholera, Roup, Canker, Bowel Complaint, Swelled Head * * * Sore Mouth, * * * Useful in the Treatment of Affections of the Mucus Membrane. Bowel Complaint; Use Germaline in the drinking water, a tablet to a quart of water. * * * Roup is caused by a severe cold in the head and is accompanied with an accumulation of mucus in the nostrils. * * * Sore Throat: Use Germaline in the drinking water and in severe cases swab the throat with a feather wet in the remedy. Cholera: Is an internal disease accompanied with bowel trouble. Treat as for bowel complaint. Scaly Legs, Pox, * * * Treat with one or two tablets to one-half pint of water. A Valuable Remedy for rusty nail wounds, * * * sore mouths."

On June 23, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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19663. Adulteration and misbranding of ether. U. S. v. Sixteen 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27946. I. S. Nos. 23079, 23082. S. No. 5997.)

Samples of ether taken from the shipment involved in this action having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.