

indigestion, nervousness, and lumbago; effective as a treatment, remedy, and cure for any disorder of the kidneys, and stomach disorders, nervousness, and rheumatism in any form; effective as a cure for pleurisy, gastritis, dyspepsia, and diseases of the appendix; and effective to totally eliminate the sordid conditions that come from disorders of the kidneys, stomach, and generative organs such as rheumatism, heart trouble, stomach trouble, backache, dropsy, and other ailments.

On March 20, 1933, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of 1 cent.

M. L. WILSON, *Acting Secretary of Agriculture.*

21250. Adulteration and misbranding of barbital tablets, and Lees Antiseptine Powder. U. S. v. Moore & Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 29399. I. S. nos. 42668, 42891, 43267.)

This case was based on an interstate shipment of two lots of alleged 5-grain barbital tablets, and a quantity of Lees Antiseptine Powder which was represented to be a germicide. Examination showed that the barbital tablets contained less than 5 grains, each, of barbital, and that the Antiseptine Powder was not a germicide, when used as directed, and that it contained no aluminum sulphate or oxyquinoline sulphate, two substances which were declared on the label as ingredients.

On June 27, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moore & Co., Inc., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 9 and November 10, 1931, from the State of Massachusetts into the States of New York and New Jersey, respectively, of quantities of barbital tablets; and on or about January 14, 1932, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Lees Antiseptine Powder, which said products were adulterated and misbranded. The barbital tablets were labeled in part: "Compressed Tablets * * * Barbital 5 Grs. Made By Moore & Company, Inc. * * * Worcester, Mass." The Antiseptine powder was labeled in part: "Lees Antiseptine Powder, An absolutely Harmless Germicide for Cleansing Mucous Membranes. Composition * * * Aluminum Sulphate * * * Oxyquinolin Sulphate."

It was alleged in the information that the barbital tablets were adulterated in that their strength and purity fell below the professed standard under which they were sold, in that each of the tablets was represented to contain 5 grains of barbital; whereas each of said tablets contained less than 5 grains of barbital, the two lots containing 4.402 grains and 4.507 grains, respectively, of barbital per tablet.

Adulteration of the Antiseptine powder was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be a germicide when used as directed, and was represented to be composed in part of aluminum sulphate and oxyquinolin sulphate; whereas it was not a germicide when used as directed, and contained no aluminum sulphate and no oxyquinolin sulphate.

Misbranding was alleged for the reason that the statements, "Tablets * * * Barbital 5 Grs." and "Germicide * * * Aluminum Sulphate * * * Oxyquinolin Sulphate", borne on the labels of the respective products, were false and misleading, since the said barbital tablets contained less than 5 grains of barbital; and the Antiseptine Powder was not a germicide, when used as directed, and contained no aluminum sulphate and no oxyquinolin sulphate.

On July 10, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*