

Analysis of the Sterling Syrup White Pine & Tar showed that it consisted essentially of extracts of plant drugs, menthol, pine tar, chloroform, alcohol, sugar, and water. The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, bronchial catarrh, spasmodic croup, winter cough, and all diseases of the air passages.

Analysis of the Sterling Antiseptic Solution showed that it consisted essentially of boric acid, volatile oils including menthol, eucalyptol, and thymol, alcohol (27.8 percent by volume), and water. The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic solution and to be a germicide; whereas it was not an antiseptic solution and was not a germicide. Said article was alleged to be misbranded in that the statements, "Antiseptic Solution" and "Germ Killer", borne on the label, representing that it was antiseptic and that it was a germ killer, were false and misleading.

Analysis of the Vanillo, a dark brown liquid, showed that it contained vanillin and coumarin and small amounts of alcohol and glycerin, colored with caramel. The article was alleged to be adulterated (1) in that an imitation vanilla flavor artificially colored had been substituted for extract of vanilla beans, which the article purported to be; and (2) in that it was an imitation of vanilla flavor artificially colored with caramel so as to simulate the appearance of extract of vanilla beans, and in a manner whereby inferiority of the article to extract of vanilla beans was concealed. Said article was alleged to be misbranded in that the statement "Vanilla * * * Extract of Vanilla Beans", borne on the label, representing that it was a vanilla product and was an extract of vanilla beans, was false and misleading. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 24, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

26737. Misbranding of cod liver oil. U. S. v. Samuel S. Kovacs and Joseph Weishaus (Royal Manufacturing Company of Duquesne.) Pleas of guilty. Fine, \$50. (F. & D. no. 37030. Sample no. 33037-B.)

This case involved interstate shipments of an article labeled "Double 'D' Double Vitamin Strength Norwegian Cod Liver Oil." The label and package bore and contained false and misleading representations regarding the vitamin content and potency of the article, and false and fraudulent representations regarding its curative and therapeutic effects.

On September 24, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel S. Kovacs and Joseph Weishaus, trading as the Royal Manufacturing Company of Duquesne, Chicago, Ill., charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about December 1, 1934, and April 9, 1935, from the State of Illinois into the State of Missouri of a quantity of an article, labeled "Double 'D' Double Vitamin Strength Norwegian Cod Liver Oil", which was misbranded.

Analysis of a sample of the article showed that it complied with the requirements prescribed for cod-liver oil in the United States Pharmacopoeia, for free acid, unsaponifiable matter, saponification value, and iodine value, but that it did not contain double the amount of vitamins D and A contained in the best grade of cod-liver oil U. S. P.

The article was alleged to be misbranded in that statements borne on the bottle labels, on the cartons enclosing the bottles, and in an accompanying circular, representing that it was double D vitamin strength, that it was double strength, that it supplied at least twice the amount of vitamins A and D contained in the best grade of U. S. P. cod-liver oil, that the vitamin potency of the article was guaranteed to be not less than 125,000 units of vitamin A and 75,000 units of vitamin D per 100 grams, that the article was the finest grade Norwegian cod-liver oil, in which the vitamin D content had been doubled, that it would go twice as far as even the best and highest grade cod-liver oil,

that it contained double the quantity of vitamin D, that it contained twice the quantities of vitamin A and vitamin D found in ordinary cod-liver oil, that it was superior, that it represented the highest potency of natural vitamin D content, and that the natural vitamin D in the article had been standardized to contain not less than 75,000 units per 100 grams, were false and misleading. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, on the bottle labels, and cartons, and in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective to promote growth, to build health and vigor, to strengthen the membranes and tissues, to build sturdy bones and proper tooth structure, to make one strong and keep one well, to guard the health, to protect the health and to resist infection and disease; effective as a preventive of infectious diseases such as colds, bronchitis, and pneumonia; effective to increase the power of resistance of the body; effective as a treatment for wasting diseases, and as a remedy in all cases of chronic bronchitis.

On October 26, 1936, the defendants entered pleas of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

26738. Adulteration and misbranding of nitrous oxide. U. S. v. Certified Laboratory Products, Ltd. Plea of guilty. Fine, \$20. (F. & D. no. 37048. Sample no. 55458-B.)

This case involved an interstate shipment of an article labeled "Nitrous Oxide", and "Nitrous Oxide Gas." It differed from the standard of strength, quality, and purity prescribed for such article in the United States Pharmacopoeia, and was represented on the label as free from foreign gases or impurities, when it was not.

On June 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Certified Laboratory Products, Ltd., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act on or about September 19, 1935, of a quantity of an article, labeled "Nitrous Oxide" and "Nitrous Oxide Gas", which was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, nitrogen monoxide, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen, and its own standard of strength, quality, and purity was not declared on the container thereof.

The article was alleged to be misbranded in that the statement, "The contents of this cylinder * * * is free from * * * other foreign gases or Impurities", borne on tags attached to the containers, was false and misleading in that it represented that the article was free from foreign gases and impurities; whereas in fact it was not free from foreign gases and impurities, but contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen.

On October 10, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$20.

W. R. GREGG, *Acting Secretary of Agriculture.*

26739. Misbranding of Wittone. U. S. v. United Distributors, Inc., and Winfield R. Offutt. Plea of guilty. Fine, \$30. (F. & D. no. 37065. Sample nos. 48581-B, 48693-B, 48716-B.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On July 13, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against United Distributors, Inc., a corporation, Louisville, Ky., and Winfield R. Offutt, treasurer of said corporation, charging shipment by said corporation in violation of the Food and Drugs Act as amended, from the State of Kentucky into the States of Georgia, South Carolina, and Florida, on or about November 30, December 5, 8, and 17, 1935, of quantities of Wittone the labels of which bore false and fraudulent representations regarding its curative and therapeutic effects.

Analysis of the article showed it to be a red, aqueous liquid, the color of which was due to the presence of iron salicylate, with a sweet, cinnamon taste; and that it consisted chiefly of Epsom salt.