

81 percent and 82 percent, respectively, of the labeled amount; whereas the formulary provides that tablets of phenolphthalein shall contain not less than 92.5 percent of the labeled amount of phenolphthalein, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The said article was alleged to be misbranded in that the statement borne on the bottle label, "Tablets Phenolphthalein, 1 Grain," was false and misleading.

On December 13, 1937, pleas of nolo contendere having been entered by the defendants, they were each sentenced to pay a fine of \$25, totaling \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28333. Misbranding of Rinex. U. S. v. 31 Bottles of Rinex. Default decree of condemnation and destruction.** (F. & D. No. 40238. Sample No. 53463-C.)

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

On September 2, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 bottles of Rinex at New Iberia, La., alleging that the article had been shipped in interstate commerce on or about January 27, 1936, from Cleveland, Ohio, by Rinex Laboratories, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted of capsules and tablets, each capsule containing acetophenetidin (1 grain), aspirin (2.3 grains), quinine (0.2 grain), camphor, and a laxative plant drug. Each tablet contained sodium bicarbonate (3 grains).

The article was alleged to be misbranded in that the following statements in the labeling were statements regarding the curative and therapeutic effectiveness of the article, and were false and fraudulent: "Dr. Platt's Rinex Prescriptions Hay Fever Asthma Complete Relief Guaranteed in 24 hours Catarrh Head Colds Dr. Platt's Rinex Prescription is guaranteed to relieve Asthma, Hay Fever, Rose Fever and Catarrh in 24 hours. \* \* \* Head Colds: Rinex is guaranteed as in the foregoing to dispel Head Colds in 5 hours."

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28334. Adulteration and misbranding of Vita-Mil. U. S. v. The Quaker Herb Co. and William Barth. Pleas of guilty. Fines, \$200 and costs.** (F. & D. No. 39797. Sample Nos. 13675-C, 15929-C, 16342-C, 22536-C, 22537-C, 48725-B.)

This product was represented to consist solely of substances derived from roots, herbs, and barks; whereas it contained a substantial amount of Epsom salt, a mineral drug. Portions of the product bore on the label statements and a device regarding its curative or therapeutic effects which were false and fraudulent.

On November 17, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Quaker Herb Co., a corporation, Cincinnati, Ohio, and William Barth, an officer of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 9 and December 3, 1935, from the State of Ohio into the States of Georgia and Florida of quantities of Vita-Mil which was adulterated and misbranded; and on or about April 2, July 28, and September 15, 1936, from the State of Ohio into the States of Florida and Mississippi of quantities of Vita-Mil which was misbranded. The article was labeled in part: "Vita-Mil \* \* \* Distributed by The Vita-Mil Company Charleston, W. Va."

Samples of the article were found upon analyses to consist essentially of Epsom salt (from 21 to 23 percent), extracts of plant drugs, including a laxative drug, and water, preserved with benzoic acid and sweetened with saccharin.

All shipments were alleged to be misbranded in that the statements appearing on the labeling of portions, "Made from roots, herbs and barks from all parts of the Earth," and statements appearing on the labeling of the remainder, "A medicine made from roots, herbs and barks and other medicinal in-

redients," were false and misleading in that they represented that the article was composed of roots, herbs, and barks; whereas it contained a mineral drug, namely, Epsom salt, in amounts ranging from 21 to 23 percent.

The earlier shipments, namely, those of November 9 and December 3, 1935, into Georgia and Florida, respectively, were alleged to be adulterated in that the article fell below the professed standard and quality under which it was sold, in that it was not made from roots, herbs, and barks from all parts of the earth but consisted essentially of Epsom salt (approximately 25 grams per 100 cc.), extracts of plant drugs, including a laxative drug, and water, preserved with benzoic acid and sweetened with saccharin.

The said shipments of November 9 and December 3, 1935, were alleged to be misbranded in that there was borne on the bottle and the carton the device "Vita-Mil" which was applied to the article as its name; that by advertisement and representations concerning the article the producer and manufacturer had declared that the said device signified "Health for Millions"; that as so applied to the article it constituted a device regarding the curative and therapeutic effects of the article which was false and fraudulent in that it represented that the article was composed of or contained ingredients effective to produce and maintain health in the human body; whereas it was not composed of and did not contain ingredients or medicinal agents effective to produce and maintain a state of health in the human body. The product in the said shipments was alleged to be misbranded further in that the carton and the bottle bore the statements "Made from roots, herbs and barks from all parts of the earth containing no Harmful drugs A perfected Combination beneficial to the control of the Stomach and Sluggish Liver"; that the said statements were false and fraudulent in that they represented that the article was effective to control the condition of the human stomach and a sluggish condition of the liver, whereas it would not be effective for such purposes.

On January 7, 1938, the defendants entered pleas of guilty and were each fined \$100. Costs were imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28335. Misbranding of surgical absorbent cotton. U. S. v. 189 Packages of Surgical Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 39999. Sample No. 37797-C.)**

This product was represented to consist of absorbent cotton suitable for surgical use; whereas it was contaminated with viable micro-organisms.

On July 22, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 packages of surgical absorbent cotton at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 17, 1937, by the Acme Cotton Products Co., Inc., from Dayville, Conn., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements on the carton, "Snopure Surgical Absorbent Cotton \* \* \* This surgical cotton has been processed to a high degree of \* \* \* refinement. It is recommended for sick-room, first-aid, nursery \* \* \* purposes," were false and misleading since the article was not sterile but was contaminated with viable micro-organisms.

On December 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28336. Adulteration and misbranding of hospital absorbent cotton. U. S. v. 19 Dozen Packages of Hospital Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 40522. Sample No. 56864-C.)**

This product was represented to be hospital absorbent cotton of the highest purity; whereas it was contaminated with viable micro-organisms.

On October 21, 1937, 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 a libel praying seizure and condemnation of 19 dozen packages of absorbent cotton at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 26, 1937, by the Acme Cotton Products Co., Inc., from Dayville, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.