

measure 1,000 cc.; whereas the article contained ingredients other than those mentioned in the formulary, namely, soluble iron phosphate, sugar, and saccharin; it contained no glycerin; its alcohol content was 9.3 percent by volume; and the quantities of iron and alkaloids (i. e., quinine and strychnine including cinchonine, not an ingredient described in the formulary), were only approximately one-third of the quantities prescribed in the formulary. It was alleged to be misbranded in that the statement on the label, "Alcohol 16%," was false and misleading, since it contained not more than 9.3 percent of alcohol by volume.

The carbolic ointment was alleged to be misbranded in that the statement "Carbolic Acid" on the label, when used to designate and identify an article that was represented to be a valuable and safe antiseptic dressing for wounds, cuts, bites of insects, barber's itch, etc., was false and misleading in that it had the same significance as that of "ointment of carbolic acid," a name recognized in the United States Pharmacopoeia as a synonym for "phenol ointment," a drug defined in said pharmacopoeia, which requires that phenol ointment shall contain not less than 1.8 percent of phenol, namely, carbolic acid; whereas the article was not ointment of carbolic acid as prescribed in said pharmacopoeia, since it contained a smaller proportion of phenol than that prescribed—the percentage in 5 of the units examined varying from 0.442 percent to 1.34 percent. It was alleged to be misbranded further in that the statement "a valuable and safe antiseptic" was false and misleading, since the article was not effective as an antiseptic when used as directed.

On November 14, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30956. Adulteration and misbranding of cod-liver oil. U. S. v. Royal Manufacturing Company of Duquesne, Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs. Plea of nolo contendere. Fine, \$100. (F. & D. No. 42682. Sample No. 15851-D.)

This product contained smaller amounts of vitamin A and vitamin D than it was represented to contain.

On May 16, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Royal Manufacturing Company of Duquesne, a corporation trading at Kansas City, Mo., and Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs, officers of the said corporation, alleging shipment by them on or about September 26, 1937, from the State of Missouri into the State of Oklahoma, of a quantity of cod liver oil that was adulterated and misbranded. The article was labeled in part: "Double 'D' Laboratories, Chicago, U. S. A."

Adulteration was alleged in that the strength of the article fell below the professed standard and quality under which it was sold, in that it was represented to contain not less than 2,250 U. S. P. XI units of vitamin A per gram and to contain double the amount of vitamins D and A found in the best grade of U. S. P. oil; whereas it contained not more than 1,125 U. S. P. units of vitamin A per gram and did not contain double the amount of vitamins D and A found in the best grade U. S. P. oil.

It was alleged to be misbranded in that the statement, "Contains not less than 2,250 U. S. P. XI units * * * per gram," borne on the carton, was false and misleading.

On October 16, 1939, pleas of nolo contendere having been entered, the court imposed a fine of \$100 to cover all defendants.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30957. Misbranding of Snare's Re-Lef. U. S. v. Henry I. Snare (Snare Bros. Ointment Co.). Plea of guilty. Fine, \$25. (F. & D. No. 42728. Sample No. 37354-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On July 18, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry I. Snare, trading as the Snare Bros. Ointment Co., Chillicothe, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 29, 1938,

from the State of Missouri into the State of Nebraska, of a quantity of Snare's Re-Lef that was misbranded.

Analysis showed that the article consisted essentially of volatile oils including mustard oil, methyl salicylate, menthol, and a camphoraceous oil, incorporated in a petrolatum base.

Misbranding was alleged in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pneumonia; effective as a treatment and relief for sinus trouble, catarrh, asthma, flu, rheumatism, piles, cuts, swelling, open sores, appendicitis, and pleurisy; effective to kill germs and infection, to stop inflammation, and to aid "Nature to recovery;" effective as a treatment for anything that causes pain on man or beast; and effective for the relief of throat and lung trouble.

On December 4, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$25.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30958. Adulteration and misbranding of paregoric and Bateman's Drops. U. S. v. Harry B. McNeal (Kent Drug Co.). Plea of guilty. Fine, \$40 and costs. (F. & D. No. 42735. Sample Nos. 34685-D, 35011-D.)

The paregoric contained a smaller amount of morphia than that declared on its label and was short of the declared volume. Bateman's Drops contained a smaller amount of laudanum than that declared on the label.

On September 18, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry B. McNeal, trading as the Kent Drug Co., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about August 19, 1938, to on or about January 25, 1939, of quantities of paregoric and Bateman's Drops that were adulterated and misbranded. The articles were labeled in part: "McNeal's Standard * * * Uniform Brand Paregoric"; and "Bateman's Pectoral Drops."

The paregoric was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since each fluid ounce of the article was represented to contain $\frac{1}{4}$ grain of morphia; whereas each fluid ounce contained less than the amount represented, namely, not more than 0.18 grain of morphia. It was alleged to be misbranded in that the statements on the label, "Morphia $\frac{1}{4}$ gr. to fl. oz." and "Each Fluid Ounce Contains $\frac{1}{4}$ gr. Morphia—Contains 6 fld. drams or over," were false and misleading, since it contained less than $\frac{1}{4}$ grain of morphia per fluid ounce and the bottles contained less than 6 fluid drams of the said article.

Bateman's Drops were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold in that each fluid ounce was represented to contain 20 minims of laudanum; whereas each fluid ounce contained less than the amount represented, namely, not more than 13.1 minims of laudanum. Misbranding was alleged in that the statements, "Each Fluidounce represents Gran. Opium $1\frac{9}{10}$ grs." and "Each Fluid-ounce contains 20 Minims Laudanum," appearing in the label, were false and misleading, since the said article contained less than 20 minims of laudanum per fluid ounce and each fluid ounce of said article represented less than $1\frac{9}{10}$ grains, namely, not more than 1.18 grains of granulated opium.

On November 9, 1939, a plea of guilty was entered by the defendant and the court imposed a fine of \$40 and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30959. Misbranding of X-Ode. U. S. v. 330 Packages, 1,650 Cans, and 167 Drums of X-Ode. Decrees of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 45523. Sample No. 48404-D.)

The labeling of certain packages of this product bore false and fraudulent curative and therapeutic claims.

On June 26, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 2-ounce packages, 250 5-ounce packages, 1,650 1-pound cans, 89 5-pound drums, 77 10-pound drums, and 1 50-