It was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in the U. S. Pharmacopoeia, and its strength differed from and its quality fell below the standard set forth in that compendium in that its potency was materially less than that required by that authority.

It was alleged to be misbranded in that representations in the labeling that it consisted of tincture of digitalis which complied with the requirements of the United States Pharmacopoeia, eleventh edition; that it had been standardized biologically by the pharmacopoeial method to a potency of 1 U. S. P. unit in 1 cc., within the official limits of variance; that its strength had been unchanged since 1931, when the producer had adopted the International Unit, identical with the U. S. P. unit; and that it might be dispensed on prescriptions calling for tincture digitalis U. S. P., were false and misleading as applied to the article which possessed a potency materially less than that specified by the pharmacopoeia.

On January 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was destroyed.

89. Adulteration of tincture of digitalis. U. S. v. 3 Bottles of Tincture Digitalis. Default decree of condemnation and destruction. (F. D. C. No. 1110. Sample No. 78816-D.)

The potency of this product was approximately one-half of that specified by the United States Pharmacopoeia for tincture of digitalis.

On November 29, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 3 bottles of tincture of digitalis, alleging that the article had been shipped in interstate commerce on or about August 23, 1939, by R. J. Strasenburgh Co. from Rochester, N. Y.; and charging that it was adulterated. It was labeled in part: "Tincture Digitalis U. S. P."

It was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in the United States Pharmacopoeia, namely, tincture of digitalis, and its strength differed from the standard set forth in said compendium in that its potency was only one-half of that specified by the United States Pharmacopoeia.

On December 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

90. Adulteration and misbranding of Black and White Ointment. U. S. v. 138 Packages of Black and White Ointment. Default decree of condemnation and destruction. (F. D. C. No. 424. Sample No. 45584-D.)

This product contained a smaller amount of red mercuric oxide than that declared on its label. Its label also bore false and misleading representations regarding its medicinal properties as shown hereinafter. Furthermore, its containers were deceptive in that the immediate container, a tin box, had a false bottom occupying about two-thirds of its total space and this box was placed in a carton of much larger size.

On August 17, 1939, the United States attorney for the Northern District of Georgia filed a libel against 138 packages of Black and White Ointment at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 20, 1939, by the Plough Sales Corporation from Memphis, Tenn.; and charging that it was adulterated and misbranded.

Analysis showed that it contained not more than 8.05 percent of red mercuric oxide.

Adulteration was alleged in that the strength of the article differed from that which it purported and was represented to possess, namely, that it contained 10 percent red mercuric oxide.

It was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading. It was alleged to be misbranded further in that statements in the labeling represented that it was efficacious in relieving the discomfort of itching, soreness, and burning accompanying ringworm, psoriasis, and eczema (of external origin) and as a dressing in acne pimples of external origin; as a local palliative for dressing acne pimples and as an aid in relieving the discomfort of itching, burning, and soreness due to or associated with eczema and simple ringworm and efficacious to retard the growth and spread of bacteria, to stimulate cellular activity, and to promote healing; that its use should be governed by the thinness or sensitiveness of the skin; that it was a local antiseptic palliative; that it was an efficacious dressing to soften crusts and relieve discomfort; that it was efficacious as an aid in removing the scales and as a grateful relief for relieving the itching of