346. Adulteration of solution citrate of magnesia. U. S. v. Joseph D. Mehlman and Robert P. Friedman (F. & M. Chemical Co.). Pleas of guilty. Fine of $100 as to Joseph D. Mehlman and $1 as to Robert P. Friedman. (F. D. C. No. 2086. Sample No. 64997–D.)

This product differed in strength from the pharmacopoeial standard.

On July 23, 1940, the United States attorney for the Southern District of Indiana filed a libel against Joseph D. Mehlman and Robert P. Friedman, copartners trading as F. & M. Chemical Co., at Indianapolis, Ind., alleging shipment on or about January 10, 1940, from the State of Indiana into the State of Kentucky of a quantity of a product labeled in part, "Effervescing Solution Citrate of Magnesia," that was adulterated

The article was alleged to be adulterated in that it purported to be and was represented as a drug which is recognized in an official compendium, i. e., the United States Pharmacopoeia, under the name "Solution of Magnesium Citrate," but its strength differed from the standard set forth in such compendium in that each 100 cubic centimeters of the article contained an amount of magnesium citrate corresponding to less than 1.6 grams of magnesium oxide, namely, an amount of magnesium citrate corresponding to not more than 1.49 grams of magnesium oxide; and 10 cubic centimeters of said article contained total citric acid equivalent to less than 26 cubic centimeters, namely, not more than 23.16 cubic centimeters of half-normal hydrochloric acid; whereas the United States Pharmacopoeia provides that solution of magnesium citrate shall contain, in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide, and that 10 cubic centimeters of the solution shall contain total citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid; and the difference in the strength of the article from the standard set forth in the United States Pharmacopoeia was not plainly stated on its label.

On September 26, 1940, the defendants having entered pleas of guilty, the court imposed a fine of $100 against Joseph D. Mehlman and $1 against Robert P. Friedman.

347. Adulteration and misbranding of sandalwood oil. U. S. v. Alfred C. Hoffman (trading as Red Mill Drug Co.). Plea of guilty. Defendant sentenced to 10 months' imprisonment, sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 2079. Sample Nos. 77631–D, 77632–D, 86606–D to 86608–D, incl.)

This product differed from the pharmacopoeial standard in the following respects: It yielded less than 90 percent of alcohols calculated as santalol, it did not have the characteristic odor of sandalwood, and was not soluble in 5 volumes of 70 percent alcohol. It also differed from the standard with respect to its specific gravity, optical rotation, and refractive index.

On November 7, 1940, the United States attorney for the Eastern District of New York filed an information against Alfred C. Hoffman, trading as the Red Mill Drug Co. at Brooklyn, N. Y., alleging shipment within the period from on or about August 25 to on or about October 24, 1939, from the State of New York into the States of Pennsylvania and Massachusetts of quantities of sandalwood oil that was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia; but its strength differed from, and its quality and purity fell below the standard set forth in that compendium, and its difference in strength, quality, and purity from such standard was not plainly stated on its label.

It was alleged to be misbranded in that the statement "Pure East India (U. S. P.) Sandalwood Oil" with respect to all lots, and the statement "Each Capsule Contains 5 Minims" with respect to one lot, borne on the labels, were false and misleading in that they represented that the article was sandalwood oil which conformed to the standard laid down in the United States Pharmacopoeia, and that in the case of one of the lots each capsule contained 5 minims thereof, whereas it was not sandalwood oil which conformed to the standard laid down in such compendium, and the capsules in one lot contained less than 5 minims thereof. It was alleged to be misbranded further in that it was an imitation of sandalwood oil and was offered for sale under the name of another article, i. e., "Pure East India (U. S. P.) Sandalwood Oil."

The information also charged the defendant with various other shipments of sandalwood oil that was adulterated and misbranded in violation of the Federal Food and Drugs Act of 1906, as reported in notices of judgment published under that act.

On January 7, 1941, a plea of guilty having been entered, the court sentenced the defendant to 10 months' imprisonment on the 10 counts covering violations of the Federal Food, Drug, and Cosmetic Act, but suspended sentence and placed the defendant on probation for 1 year. (On each of the 8 counts charging violation of the Federal Food and Drugs Act of 1906 the court imposed a fine of $1.)

348. Adulteration and misbranding of elixir iron, quinine, and strychnine phosphates; and of ammoniated mercury ointment. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, $50 and costs. (F. D. C. No. 2889. Sample Nos. 1457–E, 1463–E.)

These products were represented to be drugs the names of which are recognized in official compendiums and their strength differed from and their quality fell below the standard set forth therein.

On January 31, 1941, the United States attorney for the District of Maryland filed an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment on or about April 18, 1940, from the State of Maryland into the District of Columbia of quantities of elixir of iron, quinine, and strychnine phosphates and of ammoniated mercury ointment which were adulterated and misbranded.

The elixir of iron, quinine, and strychnine phosphates 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 National Formulary, an official compendium, but its strength differed from or its quality or purity fell below the standard set forth therein, since it yielded less than 3.875 grams, namely, not more than 1.17 grams of the anhydrous alkaloids of quinine and strychnine per 1,000 cubic centimeters; whereas the National Formulary provides that elixir of iron, quinine, and strychnine phosphates shall contain 5 grams of quinine phosphate and 250 milligrams of strychnine phosphate per 1,000 cubic centimeters, and a drug so prepared should yield not less than 3.875 grams of the anhydrous alkaloids of quinine and strychnine per 1,000 cubic centimeters; and its difference in strength, quality, or purity from the standard set forth in said compendium was not stated plainly on the label. The article was alleged to be misbranded in that the statement "Elixir Iron, Quinine and Strychnine Phosphates N. F. VI.," borne on the label, was false and misleading since it did not comply with the specifications for elixir of iron, quinine, and strychnine phosphates set forth in the National Formulary, sixth edition.

The ammoniated mercury ointment 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, an official compendium, but its strength differed from or its quality or purity fell below the standard set forth in that compendium, since it contained not more than 4.22 percent of ammoniated mercury; whereas the pharmacopoeia provides that ammoniated mercury ointment shall contain 10 percent of ammoniated mercury. It was alleged to be misbranded in that the statement, "Ammoniated Mercury Ointment * * * U. S. P. This ointment contains 10% Ammoniated Mercury U. S. P.," borne on the label, was false and misleading, since it did not comply with the specifications for ammoniated mercury set forth in the pharmacopoeia and it contained less than 10 percent of ammoniated mercury.

On February 10, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

349. Adulteration and misbranding of aromatic spirits of ammonia and larkspur lotion. U. S. v. Royal Manufacturing Co. of Duquesne, Koloman Kovacs, Samuel S. Kovacs, and Martin Kovacs. Pleas of nolo contendere. Judgment of guilty. Total fines, $400. Individual defendants placed on probation for 3 years. (F. D. C. No. 2078. Sample Nos. 77148–D, 77149–D.)

This case involved a shipment of a drug purporting to be aromatic spirits of ammonia but part of which was found to consist of larkspur lotion, and of a drug purporting to be larkspur lotion but a part of which was found to be spirits of ammonia.

On September 5, 1940, the United States attorney for the Western District of Pennsylvania filed an information against the Royal Manufacturing Co. of Duquesne, a corporation, Duquesne, Pa., and Koloman Kovacs, Samuel S. Kovacs, and Martin Kovacs, alleging shipment on or about October 11, 1939, from the State of Pennsylvania into the State of Virginia of quantities of spirits of ammonia and larkspur lotion which were adulterated and misbranded. The articles were labeled in part: "Powertay Spirits of Ammonia Aromatic [or