from the State of Virginia into the District of Columbia of quantities of the above-named articles which were adulterated and misbranded.

The Virgitalis was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since each tablet purported and was represented to possess an activity equivalent to that possessed by 1½ grains of whole digitalis leaf; whereas each tablet possessed an activity equivalent to not more than ½ grain of whole digitalis leaf. It was alleged to be misbranded in that the statement "Each Tablet Assays * * * 1½ grains Standardized Whole Digitalis Leaf (Physiologically Standardized)," appearing on the bottle label, was false and misleading.

The Rua-Balm was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since it was represented to contain 25 percent of alcohol, whereas it contained not more than 14 percent by volume of alcohol. It was alleged to be misbranded (1) in that the statement "Alcohol 25%," appearing on the carton and bottle label, was false and misleading; (2) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient; and (3) in that its labeling did not bear adequate warnings against unsafe methods or duration of administration in such manner and form as are necessary for the protection of users, since it consisted chiefly of methyl salicylate and might cause excessive irritation of the skin, particularly if applied with rubbing, and should not be permitted to get into the eyes or mucous membranes, and its labeling did not bear the warning that it might cause excessive irritation of the skin, particularly if applied with rubbing, and that the user should avoid getting it into the eyes or mucous membranes.

The Theobarb was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since each tablet was represented to contain ¼ grain of phenobarbital, whereas each tablet contained not more than 0.056 grain of phenobarbital. It was alleged to be misbranded in that the statement "Each Tablet Contains Phenobarbital ¼ Gr.," appearing on the bottle label, was false and misleading.

On October 16, 1941, pleas of nolo contendere as to counts 1 and 2 of the information and guilty as to counts 3, 4, 5, and 6 were entered on behalf of the defendant and the court imposed fines totaling $300.

610. Misbranding of Atop Nerve Tonic. U. S. v. 8 Dozen Bottles of Atop. Default decree of condemnation and destruction. (F. D. C. No. 6217. Sample No. 74150-E.)

In addition to failure to bear adequate warning statements, the labeling of this product bore false and misleading therapeutic claims.

On November 15, 1941, the United States attorney for the Southern District of New York filed a libel against 8 dozen bottles of Atop Nerve Tonic at New York, N. Y., alleging that the article had been shipped on or about September 15 and October 20, 1941, by the W. J. Gilmore Drug Co. from Pittsburgh, Pa.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of chloral hydrate (12 grains per fluid ounce) and sodium bromide (29 grains per fluid ounce).

The article was alleged to be misbranded: (1) In that the labeling contained (a) no warning that it should not be taken by persons suffering from kidney diseases; (b) no warning that not more than the recommended dose should be taken; and (c) no warning that frequent or continued use might lead to mental derangement, skin eruptions, or other harmful effects. (2) In that representations in the labeling that it was an appropriate treatment for nervous exhaustion and that it relieved such symptoms as irritability, sleeplessness, headache, dyspepsia, eye fatigue, etc.; that it would overcome fear; that it would be an efficacious treatment for the delicate mental and emotional disorders of children; that it would prevent functional disturbances of the gastro-intestinal tract, cardiac system, and pelvic organs; that it would restore the normal impulses to the gastro-intestinal tract and relieve auto-intoxication; that it would help correct disorders of the endocrine glands; that it was an appropriate treatment for the effects of alcoholic indulgence; that it was conducive to quick recovery from surgical shock; that it was invaluable in anginoid cases and exceedingly helpful in other cardiac cases; and that it was of value in convalescence by increasing the appetite and assisting in regaining vitality, were false and misleading since it would not be efficacious for such purposes.

On December 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.