On February 4, 1942, the United States attorney for the District of Rhode Island filed a libel against the above-named product at Providence, R. I., alleging that it had been shipped in interstate commerce on or about September 11, 1941, by Roma Extract Co., Inc., from Boston, Mass.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, namely, "Effervescing Solution of Citrate of Magnesia with Magnesia Sulphate," since its strength differed from that of a solution of magnesium citrate to which magnesium sulfate had been added. It was alleged to be misbranded in that the title, "Effervescing Solution of Citrate of Magnesia with Magnesia Sulphate," borne on the label, was false and misleading.

On April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

771. Adulteration of Nebulin A with Nebulator. U. S. v. 141 Packages of Nebulin A with Nebulator. Default decree of condemnation and destruction. (F. D. C. No. 7477. Sample No. 73653–E.)

On May 11, 1942, the United States attorney for the Western District of Missouri filed a libel against 141 packages of Nebulin A with Nebulator at Kansas City, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about February 6, to on or about April 10, 1942, by the Nyal Co. from Detroit, Mich.; and charging that it was adulterated. The article was labeled in part: (Package) "Combination package consisting of Nebulin A with Nebulator * * * Frederick Stearns & Company Detroit, U. S. A."; (bottle contained in package) "Nebulin A Stearns Solution Epinephrine Hydrochloride 1:100 Contains: * * * 1.0% * * * in an aqueous vehicle."

It was alleged to be adulterated in that it was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its quality fell below and its strength differed from the standard set forth in that compendium, since it was a brown liquid and the pharmacopoeia specifies that epinephrine hydrochloride is "a nearly colorless * * * liquid * * * when the solution has become brown in color * * * it must be rejected," and its strength was five times that specified in the pharmacopoeia and its difference in strength and quality from such standard was not stated on the label.

On June 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

772. Adulteration and misbranding of Ramsdell's Sulphur Cream. U. S. v. 129 Packages of Ramsdell's Sulphur Cream. Default decree of condemnation and destruction. (F. D. C. No. 7499. Sample No. 84378–E.)

This product, in addition to containing a smaller amount of sulfur than that declared, bore false and misleading therapeutic claims in the labeling.

On May 15, 1942, the United States attorney for the District of New Jersey filed a libel against 129 packages of Ramsdell's Sulphur Cream at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 22, 1942, by E. Fougera & Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely, "Contains 10% Precipitated Sulphur."

It was alleged to be misbranded in that certain statements in the labeling, which represented that it would be efficacious in the treatment of scabies, eczema, ringworm, itching, simple acne, acne rosacea, burning and soreness in eczema, "Jock-Strop itch," barber's itch, and water rash; and that it would be efficacious in the treatment of bald spots and falling hair, were false and misleading since it would not be efficacious for such purposes.

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

773. Adulteration and misbranding of Blue Fin Tuna Liver Oil. U. S. v. 1 Drum of Blue Fin Tuna Liver Oil. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 1858. Sample No. 55486–D.)

This product contained a smaller amount of vitamin D than that declared on the label.

On April 22, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 1 drum of the above-named product at Detroit,

Mich., alleging that it had been shipped in interstate commerce on or about July 14, 1939, by S. B. Penick & Co. from Jersey City, N. J.; and charging that it was adulterated and misbranded. Two drums of oil having been seized, one of which was not in violation of the law, an order was entered on June 14, 1940, releasing the drum which had been erroneously seized.

The article was alleged to be adulterated in that its strength differed from and its purity fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the statement "35,000 U. S. P. Units of Vitamin D per gram," stenciled on the drum, was false and misleading, since it did not contain 35,000 U. S. P. units of vitamin D per gram.

On July 29, 1940, S. B. Penick & Co., claimant, filed a motion for discovery of the Government's assay and on July 31 an order was entered directing that, upon the claimant's filing its answer, the Government produce and permit the inspection and copying of documents which showed the results of the assay or assays.

On February 28, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration as follows: "Blue Fin Tuna Liver Oil 100,000 U. S. P. Units of Vitamin A Per Gram, 20,000 U. S. P. Units of Vitamin D Per Gram."

774. Adulteration and misbranding of Vi-Penta Drops 'Roche'. U. S. v. 234 Vials of Vi-Penta Drops 'Roche'. Default decree of condemnation and destruction. (F. D. C. No. 4833. Sample No. 69145–E.)

This product was represented to contain 9,000 U. S. P. units of vitamin A per 0.6 cc. but in fact contained not more than 3,500 U. S. P. units of vitamin A per 0.6 cc.

On May 27, 1941, the United States attorney for the Southern District of New York filed a libel (amended September 16, 1941) against the above-named product at New York, N. Y., alleging that it had been shipped in interstate commerce on or about April 22, 1941, by Hoffman-La Roche, Inc., from Nutley, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, namely, 9,000 U. S. P. units of vitamin A per 0.6 cc., since it contained much less than 9,000 U. S. P. units of vitamin A per 0.6 cc.

It was alleged to be misbranded in that the statements, (circular) "Each 10-minim dose of Vi-Penta Drops contains: Vitamin A 9000 U. S. P. Units * * * Indications for Vi-Penta Drops * * * For the normal growth and development of infants or children. In cases of malnutrition, lowered resistance or run-down states. During prolonged illness such as infections, anemias, tuberculosis, typhoid, etc. * * * For gastrointestinal conditions, such as diarrhea, colitis, etc. When restrictions in diet are necessary, as in obesity, diabetes, catarrhal jaundice, etc. Whenever the total food intake must be increased, as in hyperthyroid conditions. For the treatment of certain skin diseases, such as eczema. In certain allergic conditions, such as those due to milk, eggs, wheat, etc. During periods of temporary or persistent vomiting (in infancy, childhood, or pregnancy). In the prophylaxis or treatment of abnormal dentition (or gum and tooth conditions)," were false and misleading since it would not be efficacious for such purposes.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to food, as reported in notices of judgment on foods.

On March 17, 1942, Hoffman-La Roche, Inc., claimant, having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS FOR VETERINARY USE

775. Adulteration and misbranding of sodium cacodylate solution, alkaline compound powder, calcium gluconate compound solution, diuretic powder, canine worm tablets, liquid nux vomica alkaloids, and tonic powder; and misbranding of Aresnol Compound Powder, glucose solution, potassium arsenite compound tablets, santonin-calomel tablets, Guaiadine Tablets, Conjunctivities #1 Tablets, and tetrachlorethylene capsules. U. S. v. Peerless Serum Co. Plea of guilty. Fine, $105 and costs. (F. D. C. No. 555. Sample Nos. 43057–E to 43059–E, incl., 43061–E, 43063–E to 43065–E, incl., 43067–E, 43069–E, 43074–E to 43076–E, incl., 43078–E, 43079–E.)

The labeling of these veterinary preparations, with the exception of the potassium arsenite compound tablets, and the liquid nux vomica alkaloids, bore