

It was alleged to be misbranded in that certain statements in its labeling which represented and suggested that, when mixed with feed as directed and when administered together with another drug, "Dr. Fenton's Health Pep," it would act as a tonic and would tone up the system of poultry and would act as a diarrhostringent, that is, an astringent in diarrhea of poultry, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents.

Analysis of Special Prescription No. 11 showed that it was in the form of tablets which contained copper sulfate and mercuric chloride, approximately 2½ grains of each ingredient per tablet.

It was alleged to be misbranded in that certain statements in its labeling which represented and suggested that, when used as directed, it would be efficacious in the cure, mitigation, treatment, or prevention of some bowel affections in poultry; that it would act as an intestinal antiseptic, a stimulant, a vermifuge, an hepatic stimulant, and as an alterative, and that another drug, "Vigortone," would increase the vigor and tone of the system, were false and misleading since it and the other drug named would not be efficacious for the purposes claimed.

Analysis of the Ovotone showed that it consisted essentially of sodium sulfate, salt, sulfur, calcium carbonate, copper sulfate, small proportions of iron oxide, Epsom salt, and plant material, including tobacco and anise.

It was alleged to be misbranded in that certain statements in its labeling which represented and suggested that it was efficacious in the prevention or removal of stomach worms in sheep and of large, small, and roundworms in sheep, and that another drug, "Vigortone," would increase the vigor and tone of the system, were false and misleading since it and the other drug named would not be efficacious for the purposes claimed.

The Special Prescription No. 4, Diarrhostringent Special Prescription No. 8, Special Prescription No. 11, and Ovotone, were alleged to be misbranded further in that they were not designated solely by names recognized in an official compendium and were fabricated from two or more ingredients and their labels failed to bear statements of the common or usual name of each active ingredient thereof.

On April 12, 1943, the defendants having entered pleas of guilty, the court imposed a fine of \$50 and costs upon each of the 2 defendants.

962. Adulteration and misbranding of Elixir Quinux. U. S. v. S. F. Durst & Co., Inc., and Richard L. Durst. Pleas of nolo contendere. Fines, \$205. (F. D. C. No. 8735. Sample No. 54944-E.)

On December 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against S. F. Durst & Co., Inc., Philadelphia, Pa., and Richard L. Durst, alleging shipment on or about March 20, 1942, from the State of Pennsylvania into the State of New Jersey of a quantity of Elixir Quinux which 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, since it purported and was represented to contain 2 grains of quinine sulfate per fluid ounce, whereas it contained not more than 0.42 grain of quinine sulfate per fluid ounce.

It was alleged to be misbranded in that the statement borne on its label "Each fluid ounce represents: * * * Quinine Sulphate 2 grs." was false and misleading.

On January 13, 1943, the defendants having entered pleas of nolo contendere, the court found them guilty and imposed a fine of \$200 against the corporation and a fine of \$5 against the individual defendant.

963. Adulteration and misbranding of iron glycerophosphate compound. U. S. v. Associated Laboratories, Inc. Plea of nolo contendere. Defendant found guilty. Fine, \$100. (F. D. C. No. 8736. Sample No. 77054-E.)

On December 30, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against the Associated Laboratories, Inc., Philadelphia, Pa., alleging shipment on or about May 14, 1942, from the State of Pennsylvania into the State of New Jersey of a quantity of iron glycerophosphate compound which 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 purported and was represented to possess, since it purported and was represented to contain, in each cubic centi-

meter, $\frac{1}{8}$ grain of iron cacodylate, whereas it contained in each cubic centimeter not more than a trace of iron cacodylate.

It was alleged to be misbranded in that the statement in its labeling "1 cc. Represents: * * * Iron Cacodylate * * * $\frac{1}{8}$ gr.," was false and misleading.

On January 13, 1943, the defendant having entered a plea of nolo contendere, the court found the defendant guilty and imposed a fine of \$100.

964. Adulteration and misbranding of wheat germ. U. S. v. The Battle Creek Food Co. Plea of guilty. Total fine, \$600. (F. D. C. No. 8300. Sample Nos. 91743-E, 16873-F, 16874-F.)

On March 23, 1943, the United States attorney for the Eastern District of Michigan filed an information against the Battle Creek Food Co., Battle Creek, Mich., alleging shipment on or about June 1 and 15 and August 28, 1942, from the State of Michigan into the States of New York and Illinois of quantities of wheat germ that was adulterated and misbranded.

Examination of samples of the article showed that it contained not more than 250 U. S. P. units of vitamin B₁ per ounce, which is approximately $\frac{3}{4}$ the minimum daily requirement for an adult.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess, 500 U. S. P. units of vitamin B₁ per ounce.

It was alleged to be misbranded in that the statement in its labeling "One ounce (approx. $\frac{1}{8}$ cup) of Battle Creek Wheat Germ supplies 500 U. S. P. units of vitamin B₁ (Thiamin), ($1\frac{1}{2}$ times the minimum daily requirement for an adult)," was false and misleading since the article did not contain 500 U. S. P. units of vitamin B₁ per ounce, and 1 ounce of the article would not furnish $1\frac{1}{2}$ times the minimum daily requirement of vitamin B₁ for an adult, but would furnish only half that amount.

The article was alleged to be misbranded further in that the statement, "Wheat Germ fills a much needed place in the modern diet which is apt to be deficient in Thiamin (vitamin B₁) and Riboflavin (vitamin G) * * * Battle Creek Wheat Germ presents * * * economical source of these important vitamins," borne on its label, was misleading since the statement created in the mind of the reader the impression that all modern diets were apt to be deficient in thiamin and riboflavin, and that all modern diets should be supplemented by wheat germ or substances containing thiamin and riboflavin, and that wheat germ is an economical and satisfactory source of riboflavin, whereas thiamin and riboflavin are present in a wide variety of ordinary foods and are present in many ordinary diets in adequate amounts, and all diets do not ordinarily require wheat germ to supplement the need for such vitamins and, in those instances where the dietary intake of riboflavin is inadequate, wheat germ does not provide an economical or satisfactory source of riboflavin.

It was alleged to be misbranded further in that the statement, "Vitamin B₁ tends to make steady nerves, improves appetite, aids digestion and combats constipation. Vitamin G promotes good nutrition; both vitamins help to build vital resistance," borne on its label, was misleading since the statement suggested and created in the mind of the reader the impression and belief that unsteady nerves, poor appetite, poor digestion, constipation, poor nutrition, and low vital resistance are frequently caused by lack of thiamin and riboflavin, and that the reader might reasonably expect that the article would be efficacious to steady the nerves, improve the appetite, aid digestion, combat constipation, promote good nutrition, and build vital resistance, whereas such conditions usually result from causes other than lack of thiamin and riboflavin and the reader might not reasonably expect that the article would be efficacious to correct them since it would rarely be efficacious for such purposes.

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

On April 7, 1943, the defendant entered a plea of guilty and the court imposed a fine of \$100 on each of the 6 counts, a total of \$600.

965. Adulteration and misbranding of amino acids parenteral. U. S. v. 113 $\frac{1}{2}$ Dozen of Amino Acids Parenteral Stearns. Decree of destruction. (F. D. C. No. 8643. Sample No. 2734-F.)

This product was represented in its labeling as a 15-percent solution of amino acids derived from the acid hydrolysis of casein fortified with tryptophan, and the