statement of composition which appeared on the label was given in Latin rather than in the English language.

On February 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

995. Misbranding of Ekzebrol. U. S. v. 12 Boxes and 5 Boxes of Ekzebrol. Default decree of condemnation and destruction. (F. D. C. No. 9138. Sample No. 14703–F.)

On January 5, 1943, the United States attorney for the Southern District of California filed a libel against 12 boxes, containing 6 ampuls each, and 5 boxes, containing 25 ampuls each, of Ekzebrol at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 23, 1942, by E. Tosse and Co. from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: "Ekzebrol 10% Strontium Bromide in Sterile Saline Solution For Intravenous Injection."

The article was alleged to be misbranded in that the following statements appearing on the circular contained within the package: "Bromine has been given orally with success in support of external treatment of some forms of eczema, particularly those caused by nervous conditions. It has, however, been demonstrated that by parenteral injection its soothing influence is augmented and quickened to such an extent, that especially in acute cases, this treatment alone will suffice. In Ekzebrol, bromine is combined with strontium, the former acting on the nerve centers, the latter on the peripheral nerves. Strontium probably exerts also a vascular constringent effect," and "In Skin diseases caused by an abundance of chlorides, the chlorides become free after a bromine injection and are eliminated in a natural way," were false and misleading since strontium bromide when administered by parenteral injection does not have its soothing influence so augmented that it alone will be effective for acute cases of eczema; strontium bromide does not act on the nerve centers and peripheral nerves, and does not have a vascular constringent effect; and Ekzebrol will not be effective in the skin diseases caused by an abundance of chlorides.

On February 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

996. Misbranding of double strength solution of posterior pituitary. U. S. v. 1 Litre and 2 Bottles of Double Strength Solution of Posterior Pituitary. One lot tried to the court. Decrees of condemnation and destruction. (F. D. C. Nos. 7807, 7815. Sample Nos. 89506–E, 89507–E).

On June 26 and 29, 1942, the United States attorneys for the Southern and Eastern Districts of New York filed libels against 1 litre, at Brooklyn, N. Y., and 2 bottles, each containing 1 litre, of double strength solution of posterier pituitary, at New York, N. Y., alleging that the article had been shipped on or about November 18, 1941, by Armour and Co., Chicago, Ill.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements on its label, "Double Strength Solution of Posterior [or "Post"] Pituitary U. S. P XI," and "20 I. U. per cc." were false and misleading since the strength of the article was not double that of solution of posterior pituitary, as defined in the eleventh revision of the United States Pharmacopoeia, and was not 20 International Units per cc.

On February 5, 1943, Armour and Co. of Delaware, having appeared as claimant for the lot at New York and having denied the allegation in the libel with respect to misbranding and the case having come on for trial, the court, after hearing the evidence and the arguments of counsel, handed down the following memorandum opinion:

WILLIAM BONDY, *District Judge*: "Assuming that there was sufficient evidence of identity of the contents of the exhibits 1 and 3 in evidence, and of samples from which the tests were made by the claimant; and assuming that all the tests as to which evidence was given were properly made, as to which there is a very serious question, there is no proof that any of the tests disclosed more than 18.5 International Units. The Court believes that what might be called the tolerance of 20 percent either way was a tolerance allowed in determining whether the product complies with the requirements of the Food and Drug Act and whether it may be transported in interstate commerce. The Act does not authorize anyone to represent the strength of the solution in International Units in the absence of reasonable certainty on the part of the person making the representation.