

Mass., alleging shipment on or about August 5, 1942, from the State of Massachusetts into the State of Rhode Island of a quantity of the above-named product.

The article was alleged to be adulterated in that it purported to be solution of magnesium citrate, a drug the name of which was recognized in the United States Pharmacopoeia (eleventh revision), an official compendium, but its strength differed from and its quality fell below the standard set forth therein, since the compendium provided that solution of magnesium citrate should contain, in each 100 cc., an amount of magnesium citrate corresponding to not less than 1.6 gram of MgO (magnesium oxide), and should contain citric acid and syrup in the proportion of 33 grams of citric acid and 60 cc. of syrup to each 350 cc., whereas the article contained little if any magnesium citrate, but did contain magnesium sulfate, a substance which is not contained in solution of magnesium citrate compounded in accordance with the standard set forth in the compendium, in an amount corresponding to 1.14 grams of magnesium oxide per 100 cc.; and the article contained citric acid in the proportion of not more than 2 grams per 350 cc., and syrup in the proportion of not more than 29 cc. to each 350 cc.; and its difference in strength, quality, and purity from the standard set forth in the compendium was not stated on its label.

The article was alleged to be misbranded in that its label failed to bear adequate warnings against use in those pathological conditions wherein its use might be dangerous to health, and against unsafe dosage or duration of administration, in such manner and form as are necessary for the protection of users, since the article was a laxative and its labeling failed to bear a warning that it should not be taken when nausea, vomiting, abdominal pains, or other symptoms of appendicitis are present; and that frequent or continued use of the article might result in dependence on laxatives to move the bowles.

On July 6, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25 on each of 2 counts, a total fine of \$50.

1055. Adulteration and misbranding of Cocoa Quinine. U. S. v. 58 $\frac{2}{3}$ Dozen Packages of Cocoa Quinine. Default decree of condemnation. Product ordered delivered to government hospitals. (F. D. C. No. 9609. Sample No. 10264-F.)

Examination showed that this product contained from 8.5 to 9.72 grains of quinine per fluid ounce, and that the bottles contained from 1.79 to 1.86 fluid ounces.

On March 31, 1943, the United States attorney for the Southern District of Alabama filed a libel against 58 $\frac{2}{3}$ dozen packages of Cocoa Quinine at Mobile, Ala., alleging that the article had been shipped on or about November 17, 1942, from Blakeley, Ga., by the South Georgia Manufacturing Co.; and charging that it was adulterated and misbranded. The article was labeled in part: "Home Brand Cocoa Quinine."

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, namely, "Contains in each fluid ounce Quinine Sulfate 10 Grains."

It was alleged to be misbranded in that the statements appearing in its labeling, "Contains in each fluid ounce Quinine Sulfate 10 Grains * * * Net Contents 2 Ounces," were false and misleading; in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and in that its label did not bear adequate directions for its use, since the directions on the label did not specify the dose for children between the ages of 1 and 10.

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to government hospitals to be dispensed to the inmates thereof.

1056. Adulteration and misbranding of blue ointment. U. S. v. Herman Achs (Certified Laboratories). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 9659. Sample No. 23328-F.)

On July 21, 1943, the United States attorney for the Eastern District of Pennsylvania filed an information against Herman Achs, trading as the Certified Laboratories, Philadelphia, Pa., alleging shipment on or about January 11, 1943, from the State of Pennsylvania into the State of New Jersey of a quantity of blue ointment.

The article was alleged to be adulterated in that it purported to be and was represented as blue ointment, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from and its quality fell below the standard set forth therein, since the com-

pendium provides that blue ointment shall contain not more than 11 percent of Hg (mercury), and shall be so compounded and prepared that the globules of mercury are not visible under a lens magnifying 10 diameters, whereas the article contained mercury in amounts varying from 28.8 percent to 55.3 percent, and globules of mercury were easily visible in the article under a magnification of 10 diameters; and its difference in strength and quality from the standard set forth in the compendium was not stated on its label.

The article was alleged to be misbranded (1) in that the statement in its labeling, "Blue Ointment (Mild Mercurial, U. S. P.)," was false and misleading; (2) in that its label bore no direction for use; and (3) in that its label failed to bear adequate warnings against use whereby it might be dangerous to health, and against unsafe methods of application, since the article may cause irritation of the skin and its application to large areas may cause serious mercurial poisoning, and the label did not bear warnings in such manner and form as are necessary for the protection of users.

On August 25, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$300.

1057. Misbranding of Korjena. U. S. v. 25 Gross Packages of Korjena (and 26 other seizure actions against Korjena). Decrees of condemnation and destruction. (F. D. C. Nos. 9113, 9276 to 9278, incl., 9331, 9335, 9381, 9402, 9415, 9425, 9516, 9522, 9544, 9555, 9557, 9586, 9597, 9720, 9732 to 9734, incl., 9753, 9754, 9781, 9782, 9812, 9824. Sample Nos. 711-F, 734-F, 1383-F, 1384-F, 3555-F, 3593-F, 6095-F, 7698-F, 8694-F, 13925-F, 14805-F, 16141-F, 20164-F, 20504-F, 21470-F, 21673-F, 23334-F, 28169-F, 31973-F, 32488-F, 32489-F, 37633-F, 44590-F, 44616-F, 44619-F, 44621-F.)

Between January 5 and April 23, 1943, the United States attorneys for the Southern District of California, the Eastern and Western Districts of Missouri, the Eastern and Western Districts of Pennsylvania, the Eastern and Western Districts of Michigan, the Southern District of Florida, the Northern and Southern Districts of Ohio, the Northern District of Illinois, and the Districts of Minnesota, Colorado, Rhode Island, New Jersey, Connecticut, and Massachusetts filed libels against the following quantities of Korjena: 348 dozen packages at Los Angeles, Calif.; 239 $\frac{1}{4}$ dozen packages at Kansas City, Mo.; 63 $\frac{1}{2}$ dozen packages at Philadelphia, Pa.; 11 $\frac{3}{4}$ dozen packages at Erie, Pa.; 9 $\frac{1}{2}$ dozen boxes at Minneapolis, Minn.; 132 dozen packages at Detroit, Mich.; 21 $\frac{1}{6}$ dozen packages at Denver, Colo.; 3 $\frac{2}{3}$ dozen packages at Pawtucket, R. I.; 42 dozen packages at Tampa, Fla.; 26 dozen packages at Jersey City, N. J.; 11 $\frac{2}{3}$ dozen packages at Cincinnati, Ohio; 151 $\frac{3}{4}$ dozen packages at Chicago, Ill.; 30 $\frac{1}{8}$ dozen packages at West Haven, Conn.; 473 $\frac{1}{12}$ dozen packages at Grand Rapids, Mich.; 8 dozen packages at Newark, N. J.; 10 $\frac{1}{12}$ dozen packages at Boston, Mass.; 25 $\frac{3}{4}$ dozen packages at Cleveland, Ohio; 14 $\frac{1}{6}$ dozen packages at St. Paul, Minn.; 20 $\frac{3}{4}$ dozen packages at Youngstown, Ohio; 40 $\frac{5}{12}$ dozen packages at St. Louis, Mo.; and 37 $\frac{1}{2}$ dozen packages at Passaic, N. J. It was alleged that the article had been shipped within the period from on or about August 4, 1942, to March 5, 1943, from Elmira, N. Y., by the Korjena Medicine Co.; and it was charged that it was misbranded.

Examination showed that the article was in the form of tablets which consisted essentially of phenolphthalein (1 grain per tablet), calcium carbonate, material derived from bile, and calcium iodide.

The article was alleged to be misbranded in that the following statements appearing in its labeling, "A Dependable Treatment for the Reduction of Excessive Fat * * * This Treatment is Guaranteed Dependable and may be taken with Complete Confidence * * * Especially in overweight cases of long standing these tablets should be faithfully taken regularly as directed. Two or three packages are usually required for the best results * * * This treatment is dependable in normal conditions. * * * All normal cases of excessive weight may confidently follow above directions. * * *," were false and misleading since the article was not a dependable, safe, and adequate treatment for the reduction of excess fat or weight. It was alleged to be misbranded further in that its label failed to bear adequate directions for use, since the article was a laxative and the directions which appeared in the labeling provided for continuous administration, whereas a laxative should not be used continuously; and in that its labeling failed to warn that the article should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis are present; that frequent or continued use of the article might result in dependence upon laxatives; and that if a skin rash should appear its use should be discontinued.

Between February 13 and August 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.