

The article in the Detroit lot was alleged to be misbranded further in that the statement, "Each Tablet Contains Phenobarbital 1 Gr.," appearing on its label, was false and misleading as applied to an article which did not contain, in each tablet, 1 grain of phenobarbital. It was alleged to be adulterated in that its strength differed from that which it was represented to possess.

On February 21 and May 19, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

**1153. Adulteration and misbranding of Akerite Glycerin Alternate B-100 (glycerin substitute or alternate). U. S. v. Akerite Chemical Works, Inc. Plea of guilty. Fine, \$3,004 and costs. (F. D. C. No. 9679. Sample Nos. 6594-F, 2333-F, 23346-F.)**

On October 25, 1943, the United States attorney for the Northern District of Illinois filed an information against the Akerite Chemical Works, Inc., Chicago, Ill., alleging shipment of quantities of the above-named product from the State of Illinois into the States of Missouri and Pennsylvania on or about September 9, 1942, and January 20 and February 4, 1943.

It was also alleged in the information that prior to the dates of the 1943 shipment the defendant represented the article as a nontoxic substitute for glycerin by causing to be prepared and distributed a circular entitled "Akerite Glycerin Substitute," which contained the following statements: "Akerite Glycerin Substitute is an aqueous solution derived from dextrin, starch and corn sugar by a special process. It is non-toxic"; and that prior to the date of the 1942 shipment the defendant represented the article as a nontoxic alternate for glycerin by means of a written communication, addressed by the defendant to the consignee, which contained the following statement: "Glycerin Alternate \* \* \* Akerite Glycerin Alternative, an aqueous nontoxic liquid derived mainly from corn."

The article was alleged to be adulterated in that it was represented as a nontoxic substitute or nontoxic alternate for glycerin, which is a nonpoisonous substance, whereas the article consisted in large part of diethylene glycol, a poisonous chemical compound. It was alleged to be further adulterated in that a toxic substance, i. e., a substance containing diethylene glycol, had been substituted in whole or in part for the article.

A portion of the article (two shipments) was alleged to be misbranded because of false and misleading statements on the labels which represented and suggested that it was a substitute for glycerin, a nonpoisonous substance.

It was also alleged in the information with respect to the two shipments that the article was a new drug since it was not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions suggested in its labeling, i. e., "Glycerin Substitute," and application filed pursuant to the law was not effective with respect to the article.

On December 30, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 on each of the 3 counts charging adulteration, and a fine of \$1 on each of the other counts, a total fine of \$3,004 plus costs.

### DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

**1154. Misbranding of Sano. U. S. v. William J. Nassano (Sano Medicine Co.) Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 10619. Sample No. 46330-F.)**

On February 3, 1944, the United States attorney for the Northern District of Ohio filed an information against William J. Nassano, trading as the Sano Medicine Co., Cleveland, Ohio, alleging shipment of a quantity of Sano on or about February 7, 1943, from the State of Ohio into the State of Virginia.

Analysis disclosed that the article consisted of a brown liquid with sediment, containing water, alcohol, and plant extractives, including emodin-bearing drugs and a trace of unidentified alkaloids.

The article was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that the article was a diuretic and a tonic; that it would be efficacious as an internal medicine and aid in the relief of rheumatism; that it would assist in eliminating uric acids