

On October 4, 1944, a plea of guilty having been entered on behalf of the corporation, the court imposed a fine of \$1,500 on each of the 12 counts in the information, a total fine of \$18,000.

1363. Adulteration and misbranding of Gestrone Chorionic Gonadotropin, and adulteration of chorionic gonadotropic hormone. U. S. v. Pro-Medico Laboratories, Inc., and Samuel Heller. Pleas of guilty. Corporate defendant fined \$750, and individual defendant sentenced to serve 3 months in jail. (F. D. C. No. 7745. Sample Nos. 54960-E, 54961-E, 77049-E.)

On June 29, 1943, the United States attorney for the Eastern District of New York filed an information against the Pro-Medico Laboratories, Inc., Brooklyn, N. Y., and Samuel Heller, president of the corporation, alleging shipment of quantities of the above-named products on or about April 28 and May 27, 1942, from the State of New York into the State of Pennsylvania.

The chorionic gonadotropic hormone and a portion of the Gestrone Chorionic Gonadotropin were alleged to be adulterated in that their strength differed from and their quality fell below that which they purported and were represented to possess, since the former was represented to possess in each cubic centimeter a physiological activity of 500 International Units of anterior pituitary-like sex hormone, and the latter was represented to contain in each cubic centimeter 100 International Units of anterior pituitary-like hormone, whereas the former possessed not more than 83.5 International Units and the latter not more than 17.2 International Units of anterior pituitary-like sex hormone in each cubic centimeter.

The remainder of the Gestrone Chorionic Gonadotropin was alleged to be misbranded in that certain statements in its labeling were false and misleading since they represented and suggested that the article possessed in each cubic centimeter a physiological activity of 500 International Units of anterior pituitary-like sex hormone and that it had been physiologically standardized to that potency, whereas it possessed a physiological activity of not more than 83 International Units of anterior pituitary-like sex hormone in each cubic centimeter.

On January 10, 1945, pleas of guilty having been entered on behalf of the defendants, the court fined the corporate defendant \$250 on each of 3 counts, a total fine of \$750. The individual defendant was sentenced to 3 months in jail on each of the 3 counts, the sentences to run concurrently.

1364. Adulteration of calcium chloride. U. S. v. Pro-Medico Laboratories, Inc., and Samuel Heller. Pleas of guilty. Fines, \$250 against the corporate defendant and \$500 against the individual defendant. (F. D. C. No. 11425. Sample Nos. 36460-F, 36476-F.)

On September 12, 1944, the United States attorney for the Eastern District of New York filed an information against the Pro-Medico Laboratories, Inc., Brooklyn, N. Y., and Samuel Heller, president of the corporation, alleging shipment of a quantity of calcium chloride on or about September 25, 1943, from the State of New York into the State of Colorado.

The article was alleged to be adulterated in that it purported to be and was represented as ampuls of calcium chloride, an aqueous ampul solution the name of which is recognized in the National Formulary, an official compendium, but its quality or purity fell below the official standard since the National Formulary provides that aqueous ampul solutions shall be substantially free from undissolved material, whereas the article was not substantially free from undissolved material; and its difference in quality or purity from the official standard was not plainly stated, or stated at all, on its label.

On January 10, 1945, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$250 against the corporate defendant and a fine of \$500 against the individual defendant.

1365. Adulteration and misbranding of potassium chloride. U. S. v. Frederick A. Klenk (Excel Pharmacal Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 9678. Sample No. 9169-F.)

On August 3, 1944, the United States attorney for the Southern District of New York filed an information against Frederick A. Klenk, trading as the Excel Pharmacal Co., New York, N. Y. It was alleged in the information that on or about June 1, 1942, the defendant sold and delivered to the Columbia Medical Laboratories, New York, N. Y., a quantity of an article labeled as "Potassium Chloride"; that at or about the time of the sale and delivery, the defendant furnished to the Columbia Medical Laboratories an invoice containing a guaranty that the article was not adulterated or misbranded within the meaning of the "Federal Food and Drug Act"; that on or about September 22, 1942, the holder of the guaranty introduced and delivered for introduction into interstate com-