The Broncotol was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, since it was represented on its label as containing ½ grain of codeine phosphate per fluid ounce, whereas it contained 0.651 grain of codeine phosphate per fluid ounce. It was alleged to be misbranded in that the label statement, "Each fluid ounce contains Codeine Phosphate ½ grain," was false and misleading.

The tincture of nux vomica was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the official standard since the Pharmacopoeia provides that "Tincture of Nux Vomica yields from each 100 cc., * * * not more than 0.125 Gm. of strychnine," whereas the article yielded from each 100 cc. not less than 0.135 gram of strychnine; and its difference in strength from the standard was not plainly stated, or stated at all, on its label. The article was alleged to be misbranded in that the label statement, "Tincture Nux Vomica * * * U. S. P. * * * Each 100 cc. contains not * * * more than 0.125 Gm. of Strychnine," was false and misleading.

On March 16, 1945, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 on each of 4 counts of the information, a total fine of $1,000, plus costs.

1459. Adulteration and misbranding of thiamine chloride tablets. U. S. v. William S. McClymonds (Western Research Laboratories). Plea of nolo contendere. Fine, $50. (F. D. C. No. 14231. Sample Nos. 6555–F, 36500–F.)

On January 22, 1945, the United States attorney for the District of Colorado filed an information against William S. McClymonds, trading as the Western Research Laboratories, Denver, Colo., alleging shipment of a quantity of thiamine chloride tablets on or about August 28 and November 20, 1943, from the State of Colorado into the States of Wyoming and Utah.

The article was alleged to be adulterated in that it purported to be and was represented as "Thiamine-Chloride Tablets," 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 official standard since the Pharmacopoeia requires that thiamine chloride tablets shall contain not less than 95 percent of the labeled amount of thiamine chloride, whereas the article contained, in the case of one lot, not more than 60 percent and, in the case of the remaining lot, not more than 73 percent of the labeled amount of thiamine chloride. The article was alleged to be misbranded in that the statements on its labels, "Tablets Thiamin Chloride 5 mgm. [or "10 mgm."]," were false and misleading since the article contained smaller amounts of thiamine chloride than was represented."

The information also alleged that two other products, pyridamide tablets and thiamine chloride solution, were adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 8086.

On February 3, 1945, the defendant having entered a plea of nolo contendere, the court imposed a fine of $5 on each of the 10 counts of the information.

1460. Adulteration and misbranding of Brewer Vitamin Concentrate Capsules. U. S. v. 97 Boxes and 104 Boxes of Vitamin Capsules. Decree of condemnation and destruction. (F. D. C. No. 6092. Sample No. 75735–E.)

On October 27, 1941, the United States attorney for the District of Maine filed a libel against 97 boxes, each containing 100 capsules, and 104 boxes, each containing 50 capsules, of vitamins at Waterville, Maine, alleging that the article had been shipped on or about April 16, 1941, by Brewer & Co., Inc., from Worcester, Mass. The article was labeled in part: "Brewer Vitamin Concentrate Capsules Containing Vitamins A-B-D-G."

A vitamin assay of a sample showed that the article contained not more than 700 U. S. P. units of vitamin D per capsule.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess: "Vitamin D 1,000 units U. S. P. XI."

The article was alleged to be misbranded (1) in that the statement on its label, "Vitamin D 1,000 units U. S. P. XI," was false; and (2) in that the conspicuous declaration on the main display panel, "Containing vitamins * * * G," was misleading in view of the fact that the article, when taken according to the directions, "Average daily Dose 1 to 3 capsules," would furnish not more than 8 percent of the minimum daily requirement for vitamin G.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 8098.

On February 2, 1945, the sole intervener having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

1461. Adulteration of vitamin B complex. U. S. v. 43 Vials of Vitamin B Complex. Default decree of condemnation and destruction. (F. D. C. No. 14048. Sample No. 79818–F.)

On October 18, 1944, the United States attorney for the District of Maryland filed a libel against 43 vials, each containing 10 cubic centimeters, of the above-named product at Baltimore, Md., alleging that the article had been shipped on or about September 9, 1944, from Philadelphia, Pa., by the Associated Laboratories, Inc.

This article was packaged in vials enclosed with a rubber cap such as is in common use in products intended for parenteral administration.

The article was alleged to be adulterated in that its purity and quality fell below that which it purported and was represented to possess, i. e., for parenteral administration, since it was contaminated with undissolved material.

On November 25, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1462. Adulteration and misbranding of Spear 15% "All Mash" Egg Mash. U. S. v. 9 Sacks of Spear 15% "All Mash" Egg Mash. Decree of condemnation and destruction. (F. D. C. No. 14003. Sample No. 66869–F.)

On or about October 20, 1944, the United States attorney for the District of Kansas filed a libel against 9 100-pound sacks of the above-mentioned product at Kansas City, Kans., alleging that the article had been shipped on or about August 29, 1944, by the Spear Mills, Inc., from Kansas City, Mo.

Analysis indicated that the article contained little or no phenothiazine, and that it contained 115 grains of nicotine sulfate per 100 pounds.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess since it was labeled as containing "not less than 385 grains of Phenothiazine per 100 lbs.," whereas it contained little or no phenothiazine.

The article was alleged to be misbranded because of false and misleading statements in its labeling regarding its efficacy in the removal of all species of worms that infest poultry. It was alleged to be misbranded further in that the label statements, "preparation for Large Round Worms (Ascaridia Lineate) Control composed of these active ingredients: * * * Phenothiazine, Nicotine Sulphate," and "Contains 115 grains Nicotine Sulphate as Alkaloid from tobacco per 100 pounds," were false and misleading since the amount of nicotine sulfate contained in the article would not be effective as an anthelminitic (worm remover), and since the product contained little or no phenothiazine.

On October 20, 1944, the owner having admitted that the product was adulterated and misbranded, judgment of condemnation was entered and the article was ordered destroyed.

1463. Adulteration of vitamin C and aminophylline. U. S. v. 2 Boxes of Vitamin C and 10 Boxes of Aminophylline. Default decree of condemnation and destruction. (F. D. C. No. 13793. Sample Nos. 84910–F to 84912–F, incl.)

On September 14, 1944, the United States attorney for the Eastern District of Pennsylvania filed a libel against 2 boxes containing a total of 175 ampuls, 5 cc. size, of vitamin C and against 2 boxes containing a total of 175 ampuls, 10-cc. size, and 8 boxes containing a total of 175 ampuls, 20-cc. size, of aminophylline at Philadelphia, Pa., alleging that the article had been shipped on or about August 7, 1944, from New York, N. Y., by the Metropolitan Laboratories, Inc.

The aminophylline was alleged to be adulterated in that it purported to be and was represented as theophylline ethylenediamine injection (aminophylline ampuls), a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the official standard since the article was not free of undissolved material.

The vitamin C was alleged to be adulterated in that its quality and purity fell below that which it purported and was represented to possess, since it was labeled "For Intravenous Injection," indicating that it had the quality and purity appropriate for such use, whereas its quality and purity was not appropriate for that purpose by reason of the presence of undissolved material in the solution.