

**PRODUCT:** 4 bales of *Lobelia herb* at Cincinnati, Ohio, in the possession of Lloyd Brothers Pharmacists, Inc. The product was stored under insanitary conditions after shipment. The bales were torn, and they contained numerous rodent pellets. Examination showed that the product had become contaminated with rodent excreta.

**NATURE OF CHARGE:** Adulteration, Section 501 (a) (1), the product consisted in whole or in part of a filthy substance; and, Section 501 (a) (2), it had been held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** May 10, 1945. S. B. Penick & Co., Asheville, N. C., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**1569. Adulteration of crude drugs. U. S. v. 25 Bags of Jamaica Ginger (and 19 other seizure actions against crude drugs). Consent decrees of condemnation. Products ordered released under bond.** (F. D. C. Nos. 13608, 13798. Sample Nos. 79066-F to 79075-F, incl., 79087-F to 79096-F, incl.)

**LIBELS FILED:** September 8 and 22, 1944, Eastern District of Michigan.

**ALLEGED SHIPMENT:** Between the approximate dates of September 11, 1939, and June 12, 1944, from Kingston, Jamaica, B. W. I., Artesia, Fla., West Jefferson, Lenoir, and Wilkesboro, N. C., Oakland, Calif., Jersey City, N. J., New York, N. Y., Cincinnati, Ohio, Big Timber, Mont., San Francisco, Calif., Louisville, Ky., and S. A. Bruxelles, Belgium.

**PRODUCT:** 25 bags of *Jamaica ginger*, 314 pounds of *chestnut leaves*, 20 bags and 28 drums of *saw palmetto berries*, 663 pounds of *red clover*, 2 bales of *red clover*, 3 sacks of *tonga vine*, 4 bales of *burdock root*, 45 bags of *burdock root*, 27 bags and 333 pounds of *goldenseal herb*, 7 bales and 1,062 pounds of *cotton root bark*, 14 sacks of *Arnica flowers*, 3,068 pounds of *poplar buds*, 339 pounds of *tonga bark*, 3,379 pounds of *white pine bark*, 308 pounds of *blue cohosh root*, 223 pounds of *squaw vine*, and 8 bags of *elder flowers*. The products were in the possession of Parke, Davis and Co., at Detroit, Mich.

An inspection of the building in which the products were stored after shipment revealed that the floors were broken in several places and that there were holes in the wall near the base boards, many of which showed evidence of rodent traffic. There were much dust and webbing about the premises. Some of the windows were broken, allowing ready access for rodents and insects. Numerous insects and rat excreta pellets were observed. Examination showed that the *Arnica flowers*, *saw palmetto berries*, *tonga bark and vine*, *squaw vine*, *elder flowers*, *Jamaica ginger*, *red clover*, *goldenseal herb*, and *burdock root*, and one lot of *cotton root bark*, were insect-infested, with some of them containing rodent hairs or rodent excreta.

**NATURE OF CHARGE:** Adulteration, Section 501 (a) (1), the *Arnica flowers*, *saw palmetto berries*, *tonga bark and vine*, *squaw vine*, *elder flowers*, *Jamaica ginger*, *red clover*, *goldenseal herb*, *burdock root*, and one lot of the *cotton root bark*, consisted in whole or in part of filthy substances; and, Section 501 (a) (2), all products had been held under insanitary conditions whereby they might have become contaminated with filth.

**DISPOSITION:** December 26, 1944. Parke, Davis and Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

#### DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS\*

**1570. Adulteration of Amylofene and Ephedrine Capsules. U. S. v. First Texas Chemical Manufacturing Co. Plea of not guilty. Tried to the court; verdict of guilty. Fine, \$50.** (F. D. C. No. 14265. Sample Nos. 61004-F, 61139-F.)

**INFORMATION FILED:** March 7, 1945, Northern District of Texas, against the First Texas Chemical Manufacturing Co., a corporation, Dallas, Tex.

**ALLEGED SHIPMENT:** On or about July 17, 1942, and February 7, 1944, from the State of Texas into the State of Louisiana.

\*See also Nos. 1552, 1564, 1567.

**LABEL, IN PART:** "Capsules Amylofene and Ephedrine Amylofene  $\frac{3}{4}$  gr.  
\* \* \* Ephedrine Sulphate  $\frac{3}{8}$  gr."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, since it was represented to contain  $\frac{3}{4}$  grain of *amylofene* and  $\frac{3}{8}$  grain of *ephedrine sulfate* per capsule, whereas it contained, in one lot, not less than 0.856 grain ( $\frac{6}{7}$  grain) of *amylofene* and not less than 0.432 grain ( $\frac{3}{7}$  grain) of *ephedrine sulfate* per capsule; and it contained, in the remaining lot, not less than 0.876 grain ( $\frac{7}{8}$  grain) of *amylofene* and not less 0.435 grain ( $\frac{3}{7}$  grain) of *ephedrine sulfate* per capsule.

**DISPOSITION:** June 18, 1945. A plea of not guilty having been entered, the case came on for trial before the court. At the conclusion of the testimony and arguments of counsel, the defendant was found guilty and a fine of \$50 was imposed.

**1571. Adulteration and misbranding of surgical pituitary. U. S. v. Bedwell Laboratories. Plea of not guilty. Tried to the court; verdict of guilty on count 1 and not guilty on count 2. Fine, \$750. (F. D. C. No. 12595. Sample No. 57660-F.)**

**INFORMATION FILED:** November 1, 1944, Southern District of California, against Bedwell Laboratories, a corporation, Los Angeles, Calif.; charging the defendant with giving a false guaranty. The guaranty was given by the defendant to the Soltan Corporation, Los Angeles, Calif., on or about May 25, 1942. It provided that the article comprising each shipment or delivery made by the defendant to the latter firm would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about October 22, 1943, the defendant sold and delivered to the Soltan Corporation a quantity of the above-named product, and on or about October 23, 1943, the Soltan Corporation shipped from the State of California into the State of Texas a quantity of the product which had been delivered to it and guarantied by the defendant.

**LABEL, IN PART:** (Invoice) "Surgical Pituitary 20 Units."

**NATURE OF CHARGE:** Adulteration (count 1), Section 501 (d) (2), a pituitary preparation having a potency of 10 U. S. P. posterior pituitary units per cubic centimeter, commonly known as "obstetrical pituitary," had been substituted for *surgical pituitary* having a potency of 20 U. S. P. posterior pituitary units per cubic centimeter, which the article purported and was represented to be.

Misbranding (count 2), Section 502 (i) (3), the article consisted of obstetrical pituitary, and was offered for sale under the name of "Surgical Pituitary 20 Units."

**DISPOSITION:** April 3, 1945. A plea of not guilty having been entered on behalf of the defendant, the case came on for trial before the court. At the conclusion of the trial, the court returned a verdict of guilty on count 1 of the information and not guilty on count 2. On April 25, 1945, the defendant was fined \$750 on count 1.

**1572. Adulteration and misbranding of pituitary extract, obstetrical. U. S. v. Chicago Pharmacal Co. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 10570. Sample No. 37767-F.)**

**INFORMATION FILED:** May 4, 1945, Northern District of Illinois, against the Chicago Pharmacal Co., a corporation, Chicago, Ill.

**ALLEGED SHIPMENT:** On or about February 5, 1943, from the State of Illinois into the State of Indiana.

**NATURE OF CHARGE:** Adulteration, Section 501 (b), the article purported to be posterior pituitary injection, 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 it did not possess an activity equivalent to 1 U. S. P. posterior pituitary unit, as required by the Pharmacopoeia, but possessed an activity equivalent to not more than 0.67 U. S. P. posterior pituitary unit.

Misbranding, Section 502 (a), the label statement, "Each 1 cc. contains: Solution of Posterior Pituitary, U. S. P., 1 cc," was false and misleading.

**DISPOSITION:** June 12, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 on each of the 2 counts of the information, plus costs.