

3889. Adulteration of epinephrine injection. U. S. v. 9 Cartons * * *. (F. D. C. No. 33563. Sample No. 49607-L.)

LIBEL FILED: On or about September 3, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about March 20 and May 26, 1952, from Chicago, Ill.

PRODUCT: 9 cartons, each containing 100 ampuls, of *epinephrine injection*, at New York, N. Y.

LABEL, IN PART: (Ampul) "1 cc. - Sterile Epinephrine Injection 1:1000 U. S. P."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Epinephrine Injection," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and the strength of the article differed from the official standard since it contained not more than .08 gram of epinephrine in each 100 cc. (The United States Pharmacopeia requires that epinephrine injection contain not less than .09 gram of epinephrine in each 100 cc.) The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1952. Default decree of condemnation. The court ordered that a portion of the article be delivered to the Federal Security Agency and that the remainder be destroyed.

3890. Adulteration and misbranding of Acephenacyl No. 5. U. S. v. 26,000 Tablets * * *. (F. D. C. No. 34067. Sample No. 34537-L.)

LIBEL FILED: October 8, 1952, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 28, 1951, from St. Louis, Mo.

PRODUCT: 26,000 tablets of *Acephenacyl No. 5*, repackaged in 1,000- and 500-tablet bottles, at Peoria, Ill.

LABEL, IN PART: "Acephenacyl No. 5 * * * Acetylsalicylic Acid 2 Grs."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since it contained less acetylsalicylic acid per tablet than the 2 grains declared on its label.

Misbranding, Section 502 (a), the label statement "Acetylsalicylic Acid 2 Grs." was false and misleading as applied to the article, which contained less than 2 grains of aspirin.

The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: November 13, 1952. Default decree of condemnation and destruction.

3891. Adulteration and misbranding of burn ointment. U. S. v. 170 Boxes * * *. (F. D. C. No. 33894. Sample No. 14044-L.)

LIBEL FILED: October 2, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about July 17, 1952, by A. E. Halperin Co., Inc., from Boston, Mass.

PRODUCT: 170 boxes, each containing 2 tubes, of *burn ointment* at Remaco, Colo. Examination showed that the article was not an ointment, but that it was a thin mucilage-like fluid with some suspended solid material. Analysis showed that the article contained phenol, glycerin, and tannic acid.

LABEL, IN PART: (Box) "2½ Oz. Tannic Acid Ointment Burn Ointment Unit No. 7 * * *"; (tube) "Halco Tannic Acid Salve Tannic Acid 5%

in Water Soluble Base Glycerine and $\frac{1}{2}$ of 1% Phenol Added Net Weight Approx. $\frac{3}{4}$ Ounce."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess since it did not have the consistency of an ointment.

Misbranding, Section 502 (a), the designation "Burn Ointment" and the quantity of contents statement "2 $\frac{1}{2}$ Oz." appearing on the box label were false and misleading as applied to the article, which was not an ointment and which contained 2 $\frac{3}{4}$ -ounce tubes.

DISPOSITION: December 11, 1952. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

3892. Misbranding of crude drugs. U. S. v. 100 Pounds, etc. (F. D. C. No. 32207. Sample Nos. 26813-L, 26815-L, 26816-L, 26818-L to 26821-L, incl., 26823-L to 26829-L, incl., 26831-L to 26837-L, incl., 26843-L, 26844-L, 26849-L, 26850-L, 26852-L, 26855-L, 26857-L to 26859-L, incl.)

LIBEL FILED: On or about December 17, 1951, Northern District of California.

INTERSTATE SHIPMENT: Various quantities of *crude drugs* were shipped in interstate commerce to San Francisco, Calif., as follows: Between 1934 and September 22, 1950, from Hamburg, Germany; between 1943 and September 22, 1950, from Jersey City, N. J.; on or about November 21, 1941, from St. Louis, Mo.; and on or about February 22, 1949, from Deux-Acren, Belgium.

PRODUCT: 1,190 pounds of *crude drugs* at San Francisco, Calif., together with approximately 5,000 copies of a book entitled "Herbs for Health."

RESULTS OF INVESTIGATION: The books entitled "Herbs for Health" were not shipped with the drugs but were printed locally and contained statements relating to the drugs. The designations of the drugs and the statements in the booklets relative thereto are set forth in the "Nature of Charge."

NATURE OF CHARGE: Misbranding while held for sale after shipment in interstate commerce, Section 502 (a), the following statements relating to the drugs and appearing in the book "Herbs for Health" were false and misleading since they represented and suggested that the drugs were effective in the treatment of the conditions stated and implied and were capable of fulfilling the promises of benefit made for them, whereas, they were not effective in the treatment of such conditions and were not capable of fulfilling such promises:

Agrimonium Eupatorium Herba (agrimony), (page 138). "Agrimony * * * has a tendency of invigorating the functions of stomach, liver and bowels, eliminating foul matter from the system. It is also highly recommended in the treatment of stones and gravel in kidneys and bladder. As a gargle the decoction is very effective in soreness and inflammation of mouth and throat."

Arnica Fl. (arnica flowers), (page 139). "In this country Arnica is mostly used in the form of the Tincture as an external application in Sprains, Bruises, to relieve inflammation and swelling. In Europe, however, it is also used internally in the treatment of Gout, Rheumatism and Feverish conditions."

Betula Lenta Folia (birch flowers), (page 140). "Birch * * * The

*See also Nos. 3884, 3885, 3888, 3890, 3891.