

5928. Adulteration and misbranding of "Tablet Sodium Salicylate," "Elixir Iron, Quinine and Strychnine," "Elixir Triple Bromide," "Tincture Iodine," "Tablets Triturate Calomel and Soda," and "Tablets Triturate Nitroglycerin." U. S. * * * v. P. T. Probst Co., a corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8069. I. S. Nos. 1317-m, 1318-m, 1320-m, 1321-m, 1323-m, 3896-1.)

On July 20, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against P. T. Probst Co., a corporation, Rochester, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of New York into the State of Massachusetts, on or about June 24, 1916, of a quantity of an article labeled in part, "Tablet Sodium Salicylate, 5 grs.," and on or about August 3, 1916, of quantities of articles labeled in part "Elixir Iron, Quinine and Strychnine," "Elixir Triple Bromide," "Tincture Iodine," "Tablets Triturate Calomel and Soda," and "Tablets Triturate Nitroglycerin," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

The Tablets Sodium Salicylate:

Sodium salicylate (grains per average tablet)----- 3.36

The Elixir Iron, Quinine and Strychnine:

Ferric phosphate (basis 12% iron) (grains per dram)----- 2.78

Total alkaloids calculated as quinine phosphate (grain per dram)----- 0.10

Alcohol (per cent by volume)----- 12.95

The Elixir Triple Bromides:

Ammonium bromid (grain per dram)----- 0.01

Potassium bromid (grain per dram)----- 0.30

Sodium bromid (grains per dram)----- 6.25

Alcohol (per cent by volume)----- 16.40

The Tincture Iodine:

Net measure (fluid ounces)----- 7.61

Iodin (grams per 100 cc)----- 6.366

Potassium iodid (grams per 100 cc)----- 4.160

Alcohol (per cent by volume)----- 81.35

The Tablets Triturate Calomel and Soda:

Calomel (grain per tablet)----- 0.196

Sodium bicarbonate (grain per tablet)----- 0.007

The Tablets Triturate Nitroglycerin:

Nitroglycerin:

Declared: 1/100 grain (equal to 0.65 mg.).

Found: 0.18 mg. per tablet.

Adulteration of the "Tablet Sodium Salicylate" was alleged in the information for the reason that it was sold as sodium salicylate five-grain tablets and thereby professed to be of the standard and quality of sodium salicylate five-grain tablets, and it fell below the standard and quality under which sodium and salicylate five-grain tablets are sold. Misbranding was alleged for the reason that the statements appearing on the label, to wit, "Sodium Salicylate, 5 grs.," was false and misleading in that it represented to purchasers that each tablet contained not less than five grains of sodium salicylate, whereas, in fact and in truth, it did not, but contained a less quantity than five grains thereof.

Adulteration of the "Elixir Iron, Quinine and Strychnine" was alleged for

the reason that it was sold as elixir iron, quinine, and strychnine—iron phosphate—5 grains; quinine phosphate one-half grain, strychnine phosphate one-fortieth grain; alcohol 20 per cent, and thereby professed to be an elixir of iron, quinine, and strychnine of said standard and quality, and it fell below the standard and quality under which elixir iron, quinine, and strychnine is sold.

Misbranding was alleged for the reason that the statements appearing on the label concerning the article and ingredients and substances contained therein, to wit, "Iron phosphate 5 grs. Quinine Phosphate $\frac{1}{2}$ gr. Strychnine Phosphate $\frac{1}{40}$ gr. Alcohol 20 per cent," were false and misleading in that they represented to purchasers that the article contained not less than 5 grains of iron phosphate in each dram thereof, not less than one-half grain of quinine phosphate in each dram thereof, not less than one-fortieth of a grain of strychnine phosphate in each dram thereof, and not less than 20 per cent of alcohol by volume, whereas, in fact and in truth, it did not, but contained less than 5 grains of iron phosphate and less than one-half a grain of quinine phosphate and less than one-fortieth of a grain of strychnine phosphate in each dram thereof, and contained a less proportion of alcohol than 20 per cent by volume thereof.

Adulteration of the "Elixir Triple Bromides" was alleged for the reason that it was sold as "Elixir Triple Bromides, Potash Bromide $2\frac{1}{2}$ grs. Soda Bromide $2\frac{1}{2}$ grs. Ammonia Bromide $2\frac{1}{2}$ grs.," and thereby professed to be elixir triple bromids, potash bromid, $2\frac{1}{2}$ grains, soda bromid $2\frac{1}{2}$ grains, ammonia bromid $2\frac{1}{2}$ grains, and it fell below the standard and quality under which elixir triple bromids, potash bromid $2\frac{1}{2}$ grains, soda bromid, $2\frac{1}{2}$ grains, ammonia bromid $2\frac{1}{2}$ grains is sold. Misbranding was alleged for the reason that the statements borne on the label concerning the article and the ingredients and substances contained therein, to wit, "Elixir Triple Bromides—Potash Bromide $2\frac{1}{2}$ grs. Soda Bromide $2\frac{1}{2}$ grs. Ammonia Bromide $2\frac{1}{2}$ grs.," were false and misleading in that they represented to purchasers that the article contained not less than $2\frac{1}{2}$ grains of ammonia bromid in each dram thereof and not less than $2\frac{1}{2}$ grains of potassium bromid in each dram thereof, and contained not less than $7\frac{1}{2}$ grains of ammonia, potassium, and sodium bromids in each dram thereof, whereas, in fact and in truth, it did not, but contained a less quantity of ammonium bromid than $2\frac{1}{2}$ grains in each dram thereof, and a less quantity of potassium bromid than $2\frac{1}{2}$ grains in each dram thereof, and a less quantity of ammonium, potassium, and sodium bromid than $7\frac{1}{2}$ grains in each dram thereof. Misbranding of the article was alleged for the further reason that it was in package form, and contained a quantity of alcohol and failed to bear on the label attached to the package, or elsewhere, any statement of the quantity or proportion of said alcohol.

Adulteration of the "Tincture Iodine" was alleged for the reason that it was sold under a name recognized in the United States Pharmacopœia, Eighth Decennial Revision, to wit, tincture iodine, U. S. P., and differed from the standard of strength, quality, and purity which is laid down in said Pharmacopœia for tincture iodine, U. S. P., and was of a standard of strength, quality, and purity inferior to and below said standard laid down by said Pharmacopœia, and the standard of strength, quality, and purity of the article was not stated upon the bottle or package containing the article.

Misbranding was alleged for the reason that the statement blown in the glass of the bottle concerning the article and the ingredients and substances contained therein, to wit, "8 oz.," was false and misleading in that it represented to purchasers that said bottle contained not less than 8 fluid ounces of the article, whereas, in fact and in truth, it did not, but contained a less quantity

than 8 ounces thereof, and for the further reason that the statement appearing on the label attached to the bottle concerning the article and the ingredients and substances contained therein, to wit, "Alcohol 94%," was false and misleading in that it represented to purchasers that the article contained not less than 94 per cent of alcohol by volume, whereas, in fact and in truth, it did not, but contained a less proportion of alcohol than 94 per cent by volume.

Adulteration of the "Tablet Triturate Calomel and Soda" was alleged for the reason that it was sold as tablet triturate calomel and soda, calomel one-half grain, soda bicarbonate one grain, and thereby professed to be tablet triturate calomel and soda, calomel one-half grain, soda bicarbonate one grain, and in strength and purity fell below the standard and quality under which tablet triturate calomel and soda, calomel one-half grain, soda bicarbonate one grain, is sold.

Misbranding was alleged for the reason that the statement borne on the label concerning the article and the ingredients and substances contained therein, to wit, "Calomel $\frac{1}{2}$ gr. Soda Bicarb 1 gr.," was false and misleading in that it represented to purchasers that each tablet of the article contained not less than one-half a grain of calomel and not less than one grain of sodium bicarbonate, whereas, in fact and in truth, it did not, but contained a less quantity than one-half a grain of calomel and a less quantity than one grain of sodium bicarbonate.

Adulteration of the "Tablet Triturate Nitroglycerin" was alleged for the reason that it was sold as "Tablet Triturate Nitroglycerin 1/100 Gr.," and thereby professed to be of the standard of strength and quality of tablet triturate nitroglycerin one-hundredth of a grain, and in strength and purity it fell below the professed standard and quality under which tablet triturate nitroglycerin one-hundredth of a grain, is sold. Misbranding was alleged for the reason that the statement borne on the label concerning the article and the ingredients and substances contained therein, to wit, "Nitroglycerin 1/100 Gr.," was false and misleading in that it represented to purchasers that each tablet of the article contained not less than one-hundredth of a grain of nitroglycerin, whereas, in fact and in truth, it did not, but contained a less quantity of nitroglycerin than one one-hundredth of a grain.

On December 11, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*