district court an information against Charles Killgore, New York, N.Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 29, November 11, December 2, and December 3, 1931, from the State of New York into the State of Connecticut, and on or about November 2, 1931, from the State of New York into the State of Massachusetts, of quantities of drug tablets which were adulterated and misbranded. The articles were labeled in part: "Neuralgic No. 5, Antifebrin, 2 grs."; "Caffeine and Salicylate Comp. Acetanilid, 2½ grs."; "Antipyrine & Soda Bromide. Antipyrine 1 gr. Soda Bromide 3 grs."; "Nitroglycerin 1–100 gr."; "Special #3194 Acetphenetidin 3 grs. * * * Manufactured By Charles Killgore * * * New York."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows:

Each of the Neuralgic No. 5 tablets was represented to contain 2 grains of antifebrin, that is to say, 2 grains of acetanilid, whereas each of the said tablets contained less acetanilid, than declared, namely, not more than 1.76 grains of acetanilid;

Each of the caffeine and salicylate tablets was represented to contain 2½ grains of acetanilid; whereas each of the said tablets contained less acetanilid than declared, namely, not more than 2.177 grains;

Each of the antipyrine & soda bromide tablets was represented to contain 1 grain of antipyrine and 3 grains of soda bromide; whereas each of the tablets contained less of the said drugs than declared, namely, not more than 0.886 grain of antipyrine and not more than 2.70 grains of soda bromide;

Each of the nitroglycerin tablets was represented to contain 1/100 grain of nitroglycerin; whereas each of the tablets contained loss nitroglycerin than declared, namely, not more than 0.00685 grain of nitroglycerin;

Each of the Special No. 3194 tablets was represented to contain 3 grains of acetphenetidin; whereas each of the tablets contained less acetphenetidin than declared, namely, not more than 2.661 grains of acetphenetidin.

Misbranding was alleged for the reason that the following statements on the labels of the various products, "Antifebrin 2 grs. * * * Tablets", with respect to the Neuralgic No. 5 tablets, "Acetanilid 2½ grs. * * * Tablets", with respect to the Caffeine and Salicylicate Tablets, '-Antipyrine 1 gr. Soda Bromide 3 grs. * * * Tablets", with respect to the Antipyrine and Soda Bromide tablets, "Nitroglycerin * * * Tablets" with respect to the nitroglycerin tablets, and "Acetphenetidin 3 gr * * * Tablets", with respect to the Special No. 3194 tablets, were false and misleading.

On July 31, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 on each of the 10 counts and ordered that sentence be suspended as to counts 2 to 10 inclusive.

M. L. WILSON, *Acting Secretary of Agriculture.*

21230. Misbranding of Vapex. U. S. v. 35 Dozen Bottles, et al., of Vapex. Default decrees of forfeiture and destruction. (F. & D. nos. 29678, 29679, 29713. Sample nos. 16376–A, 16377–A, 16378–A, 16582–A.)

These cases involved various shipments of Vapex, a drug preparation. In one of the lots the label bore no declaration of the alcohol content, and in the remaining lots the declaration was not properly made. Tests of the article showed that it did not possess the bactericidal properties claimed in the labeling. It was also claimed for the article that it was made in England, whereas a part of the manufacturing process was carried on in this country.

On December 29, 1932, and January 4, 1933, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 207 dozen bottles of Vapex at Boston, Mass., alleging that the article had been shipped in interstate commerce, in various lots between the dates of September 30, 1932 and December 15, 1932, by E. Fougera & Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils such as menthol and lavender oil (alcohol approximately 66 percent by volume), and water.

It was alleged in the libels that the article was misbranded in that the packages failed to bear upon the label a statement of the quantity or proportion of alcohol contained in the article, since no declaration appeared in one lot, and the remaining lots bore an inconspicuous statement of the alcohol content on the reverse side of the bottle label, and no statement appeared on the cartons.

Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and misleading: (Circular, all lots) "Vapex is produced in England by Thos. Kerfoot & Co., Ltd."; (cartons of portion) "Vapex is produced in England by Thos. Kerfoot & Co., Ltd."; (cartons of remainder) "Vapex is a product of Thos. Kerfoot & Co., Ltd., Bardsley, England." Misbranding was alleged for the further reason that the statement appearing in the circular, regarding the curative and therapeutic effect of the article, "Laboratory tests have proved that the Vapex vapor kills the pathogenic bacteria present in the breathing passages", was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

Donalds Limited, Inc., a Delaware corporation, appeared and filed a claim for the property. On August 18, 1933, proclamation having been made and defaults having been entered against the claimant for failure to file answers, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21231. Misbranding of Burbank kelp. U. S. v. 21 Cans of Burbank Kelp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30468. Sample no. 36593-A.)

Examination of samples of the product Burbank kelp disclosed that it contained no ingredients or medicinal agents capable of producing certain curative and therapeutic effects claimed on the can label.

On May 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cans of Burbank kelp at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on January 14, 1933, by the Vegetable Products Corporation, from Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground sea weed.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing on the can label, were false and fraudulent: " * * * and stabilization of iodine metabolism. It is indicated as a relief for certain deficiency diseases and glandular disturbances, particularly goitre. It is also recommended for the relief of some forms of nervousness, rheumatism, asthma, anemia, and digestive trouble. * * * Directions Adult Dosage—Teaspoonful three times daily at mealtime. Usually taken dry, followed by water, but may be mixed in orange or tomato juice. Smaller quantities for children, according to age."

On June 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21232. Adulteration and misbranding of Foster's white camphor liniment. U. S. v. 25 9/12 Dozen and 28 9/12 Dozen Bottles of Foster's White Camphor Liniment. Default decrees of destruction entered. (F. & D. nos. 30543, 30544. Sample nos. 39101-A, 39175-A.)

These cases involved a product sold under a name recognized in the United States Pharmacopoeia, which fell below the pharmacopoeial requirements. It was represented to be a camphor liniment, and contained significant proportions of other drugs. The labels also bore unwarranted curative and therapeutic claims.

On May 31, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 54½ dozen bottles of Foster's white camphor liniment at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about April 7 and April 27, 1933, by the Keystone Manufacturing Co., Inc, from South Boston, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils including camphor oil, ammonia (approximately 2 percent), soap, and water.