Digitalis Poison Contains 48 percent Alcohol * * * Guaranteed by Gerity Bros. Drug Co. under Food and Drugs Act, June 30, 1906, Serial No. 11398 Gerity Brothers Drug Company * * * Elmira, N.Y."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, in that the article, when injected into the ventral lymph sac of a frog, had a potency for each gram of body weight of frog of not more than 30 percent of the minimum systolic dose required by the pharmacopoeia for each gram of body weight of frog.

Misbranding was alleged for the reason that the statements, "Contains 48 percent Alcohol * * * Guaranteed by Gerity Bros. Drug Co. under the Food and Drugs Act, June 30, 1906, Serial No. 11398", borne on the bottle label, were false and misleading, in that they represented that the article contained 48 percent of alcohol and conformed to the provisions of the Federal Food and Drugs Act, whereas it contained not less than 72.8 percent of alcohol by volume and did not conform to the provisions of the Federal Food and Drugs Act. Misbranding was alleged for the further reason that the article contained alcohol and the label on the bottles failed to bear a statement of the quantity and proportion of alcohol contained in the article.

On September 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company. On October 12, 1933, the court imposed a fine of $600.

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

21579. Adulteration and misbranding of solution posterior pituitary. U. S. v. G. W. Carnrick Co. Plea of guilty. Fine, $100. (F. & D. no. 30239. Sample no. 9548–A.)

This case was based on an interstate shipment of solution posterior pituitary which was represented to be of pharmacopoeial standard but which was found to possess approximately one-fourth the minimum potency of solution posterior pituitary as defined in the United States Pharmacopoeia, Tenth Revision.

On September 28, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. W. Carnrick Co., a corporation, Newark, N.J., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 1, 1932, from the State of New Jersey into the State of Massachusetts, of a quantity of solution posterior pituitary that was adulterated and misbranded. The article was labeled in part: (Large carton) "Solution Post. Pituitary (Liquor Pituitarii) Prepared and physiologically assayed according to the U.S.P.X. G. W. Carnrick Co. * * * Newark, N.J.", (individual ampoule carton) "Sol. Post Pituitary (Liquor Pituitarii) Assayed by Method of U.S.P.X.", (circular) "This solution is standardized by the method prescribed by the United States Pharmacopoeia. They are of constant and dependable activity and are equal to U.S.P.X. Requirements."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation in that 1 cubic centimeter of the article corresponded to not more than 0.001 gram of standard powdered pituitary, whereas the pharmacopoeia provides that 1 cubic centimeter of solution posterior pituitary shall correspond to not less than 80 percent of the activity produced by 0.005 gram of the standard powdered pituitary; and the strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be Solution Posterior Pituitary prepared and physiologically assayed according to the United States Pharmacopoeia, Tenth Revision, and equal to the requirements of the said pharmacopoeia, whereas it was not prepared and physiologically assayed according to the United States Pharmacopoeia, Tenth Revision, and was not equal to the requirements of the said pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Solution Post, Pituitary (Liquor Pituitarii) prepared and physiologically assayed according to the U.S.P.X.", borne on the large carton, the statements, "Sol. Post.

Pituitary (Liquor Pituitarri) Assayed by Method of U.S.P.X.", on the small carton, and the statements, "This solution is standardized by the method prescribed by the U.S. Pharmacopoeia * * * They are of constant and dependable activity and are equal to U.S.P.X. requirements", contained in the circular, were false and misleading, since the article was not prepared and physiologically assayed according to the United States Pharmacopoeia, Tenth Revision, it was not standardized by the method prescribed by the said pharmacopoeia, and it was not equal to the requirements thereof.

On October 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

21580. Misbranding of Dr. M. Hermance's Asthma and Hay Fever Medicine. U. S. v. 32 Bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine. Default decree of condemnation and destruction. (F. & D. no. 27700. I. S. no. 21537. S. no. 5780.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On Febuary 10, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 21, 1931, by Claude A. Bell, from Lowell, Mass., 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 potassium iodide, extracts of plant drugs, including licorice and lobelia, alcohol, and water.

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 were false and fraudulent: (Bottle label) "Asthma * * * And Hay Fever Medicine", (on design of bell) "* * * Asthma Medicine * * * Used in Asthma and Hay Fever. This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely * * * Hay Fever—One half to one teaspoonful four times a day. For best results, the treatment should be started six weeks before Hay Fever period. '* * * helpful in catarrhal conditions * * * It cuts the phlegm and helps to clear the bronchial tubes.' Directions Dose for Adult—For Asthma first two days, one-half teaspoonful, four times a day after meals, and on retiring; then increase dose to one teaspoonful, four times a day. If you have a bad attack, take the medicine every twenty minutes, increasing each dose. * * * Use * * * Asthma & Hay Fever Medicine as directed other wise the good effects of a food medicine may be lost", (carton) "Asthma and Hay Fever Medicine", (on design of bell) "Asthma Medicine These distressing ailments have in this prescription a prompt and effective remedy for relief. * * * Brings Quick Relief To Sufferers From Asthma and Hay Fever This Medicine is a Body Builder Also Used For Catarrhal, Bronchial and Heart Trouble With Best Of Results Good For The Whole Family For Coughs * * * And All Bronchial Troubles", (circular) "That Terrible Disease Asthma * * * Asthma and Hay Fever Medicine A medical compound which, when properly and perseveringly used, has been found helpful in the treatment of Asthma and Hay Fever. As these disorders are of a persistent nature, a person suffering from them must be equally persistent. * * * Directions Dose for Adult—For Asthma, first two days, one-half teaspoonful, four times day, after meals, and on retiring, then increase the dose to one teaspoonful, four times a day. If you have a bad attack take the medicine every twenty minutes, increasing each dose up to two teaspoonfuls. Until relieved", (design on bell bearing the words "Asthma Medicine") "Hay Fever—One-half to one teaspoonful four times a day. You should start treatment six weeks before period. For Catarrhal Conditions * * * This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely. * * * 'This medicine has been found helpful in Catarrhal Conditions * * * It cuts the phlegm and helps to clear the