Healthy Mouth is a Good Foundation", (circular) "Pyro-Sana Tooth paste will check pyorrhea, make the gums hard and firm, relieve and prevent soft, bleeding gums and maintain a vigorous and healthy mouth."

On September 21, 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.*

**21589. Misbranding of Nu Pine. U. S. v. 213 Bottles of Nu Pine. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 30762. Sample no. 42945–A.)

Examination of the drug product, Nu Pine, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The packages failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On July 22, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of Nu Pine at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about November 9, 1932, by the Ray Sales 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 alcohol (80.8 percent), volatile oils such as camphor and eucalyptol, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Jar) "For * * * Hay Fever", (carton) "For * * * Hay Fever * * * Sinus Congestion * * * Bronchial Asthma."

On August 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.*

**21590. Adulteration and misbranding of fluidextract of burdock root. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, $10 and costs.** (F. & D. no. 30212. Sample no. 7751–A.)

This case was based on an interstate shipment of a product represented to be fluidextract of burdock root of National Formulary standard. The article did not conform to the standard prescribed in the National Formulary for fluidextract of lappa (a name synonymous with burdock) since it contained a large amount of mydriatic alkaloids, indicating that it had been prepared in whole or in large part from a mydriatic drug, such as belladonna, a preparation which would be dangerous if prescribed in the doses usually prescribed for the less potent drug, fluidextract of burdock root.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 2, 1932, from the State of Maryland into the State of Georgia, of a quantity of alleged fluidextract of burdock root that was adulterated and misbranded. The article was labeled in part: "Fluidextract Burdock Root N. F. * * * Each Mil. represents one Gramme or each fluid ounce 456 grs. Burdock Root * * * Standard Pharmaceutical Corp. Baltimore, Md."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said formulary, in that it contained mydriatic alkaloids, which the formulary does not prescribe as normal constituents of fluidextract of burdock root.

Misbranding was alleged for the reason that the statements, "Fluidextract Burdock Root, N. F." and "Each mil. represents one gramme or each fluid

ounce 456 grs. Burdock Root", borne on the label, were false and misleading in that the statements represented that the article was fluidextract of burdock root which conformed to the standard laid down in the National Formulary, and that each mil of the article represented one gram, or each fluid ounce 456 grains, of burdock root, whereas the article did not conform to the tests laid down in the National Formulary, and the article contained little, if any, burdock root.

On September 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10 and costs.

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

**21591. Adulteration and misbranding of tincture belladonna and ointment of mercuric nitrate. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, $20 and costs.** (F. & D. no. 29365. Sample nos. 8792–A, 8817–A.)

This case was based on an interstate shipment of tincture of belladonna represented to be of pharmacopoeial standard, which was found to contain alkaloids of belladonna leaves in excess of the maximum prescribed in the United States Pharmacopoeia for tincture belladonna; also of a shipment of ointment of mercuric nitrate, represented to be of National Formulary standard, but which was found to contain less mercuric nitrate than prescribed in the National Formulary for ointment of mercuric nitrate.

On September 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1932, from the State of Maryland into the District of Columbia, of a quantity of tincture of belladonna, and on or about May 27, 1932, from the State of Maryland into the State of Pennsylvania, of a quantity of ointment of mercuric nitrate, which products were adulterated and misbranded. The articles were labeled in part: "Tincture Belladonna (Tinctura Belladonnae) U.S.P. * * * Standard:—0.027 gm. to 0.033 gm. Alkaloids in 100 mils.", "Ointment of Mercuric Nitrate (Ung. Hydrarg. Nit. N.F. (U.S.P. IX) Citrine Ointment * * * Standard Pharmaceutical Corp. Baltimore, Md."

Adulteration of the tincture of belladonna was alleged in the information for the reason that the article 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 said pharmacopoeia official at the time of investigation, since it yielded not less than 0.03657 gram of the alkaloids of belladonna leaves per 100 cubic centimeters, whereas the pharmacopoeia provides that tincture of belladonna shall yield not more than 0.033 gram of the alkaloids of belladonna leaves per 100 cubic centimeters and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the ointment of mercuric nitrate was alleged for the reason that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said formulary official at the time of investigation in that it contained less than 7 percent of mercury, namely, not more than 5.13 percent of mercury, whereas the Formulary provides that ointment of mercuric nitrate shall contain not less than 7 percent of mercury, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged with respect to both products for the further reason that they fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, "Tincture Belladonna * * * U.S.P. * * * Standard 0.027 gm. to 0.033 gm. Alkaloids in 100 mils" and "Ointment of Mercuric Nitrate * * * N.F.", borne on the labels of the respective articles, were false and misleading in that the said statements represented that the tincture of belladonna conformed to the standard laid down in the United States Pharmacopoeia and contained not more than 0.033 gram of alkaloids, and that the ointment of mercuric nitrate conformed to the National Formulary, whereas the former was not of pharmacopoeial standard, each 100 mils containing more than 0.033 gram of alkaloids, and the latter did not conform to the tests laid down in the National Formulary.