21805. Misbranding of Thor's Vitamin Compound. U. S. v. 72 Bottles of Thor's Vitamin Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29920. Sample no. 32533–A.)

Examination of the drug preparation, Thor's Vitamin Compound, disclosed that it contained no medicinal agents capable of producing certain curative and therapeutic effects claimed on the carton label and in a circular shipped with the article.

On March 16, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on May 16, 1933, an amended libel, praying seizure and condemnation of 72 bottles of Thor's Vitamin Compound at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about March 15, 1933, by the Thor Pharmacal Co., from Atlanta, Ga., 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 yeast, phenolphthalein, nux vomica, and compounds of iron, copper, manganese, calcium, magnesium, sodium, and potassium. Biological examination showed that the article was worthless as a source of vitamin D.

It was alleged in the libel as amended that the article was misbranded in that certain statements appearing on the carton and in a circular shipped with the article, regarding its effectiveness in the treatment of impoverished blood, undernourished conditions, general systemic depletion, thin blood, acid stomach, gas, constipation, bilious attacks, nervousness, weakness, loss of weight, sleeplessness, rundown, anaemic condition, violent headaches from indigestion, autointoxication, generally depleted anaemic condition, and rundown system, were false and fraudulent.

On January 3, 1934, 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.*

21806. Adulteration and misbranding of granular effervescent sodium phosphate, elixir three bromides, fluidextract of ipecac, tincture of belladonna, and aromatic spirit of ammonia. U. S. v. Hance Bros. & White, Inc. Plea of nolo contendere. Fine, $75. (F. & D. no. 30218. Sample nos. 10749–A, 11427–A, 21273–A, 21274–A, 21631–A.)

This case was based on interstate shipments of granular effervescent sodium phosphate, fluidextract of ipecac, tincture of belladonna, and aromatic spirit of ammonia, products which are recognized in the United States Pharmacopoeia and which were labeled as being of pharmacopoeial standard; also of a shipment of elixir three bromides, a product which is recognized in the National Formulary and which was labeled as being a formulary standard. Analyses of the articles showed that they failed to conform to the tests laid down in the said authorities.

On December 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hance Bros. & White, Inc., Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 5, January 16, and February 4, 1932, from the State of Pennsylvania into the State of New Jersey, of quantities of granular effervescent sodium phosphate; on or about March 3 and November 22, 1932, from the State of Pennsylvania into the State of New York, of quantities of elixir three bromides, fluidextract of ipecac, and tincture of belladonna; and on or about January 10, 1933, from the State of Pennsylvania into the State of Connecticut, of a quantity of aromatic spirit of ammonia, which was adulterated and misbranded. The articles were labeled in part, variously: "I.D.A. Granular Effervescent Sodium Phosphate * * * U.S.P. Strength * * * Packed for Independent Druggists Alliance Distributing Company, Chicago, Ill."; "Elixir Three Bromides N.F. * * * Hance Brothers & White, Incorporated"; "Fluidextract Ipecac U.S.P. Each 100 Cc contains not less than 1.35 Gms. or more than 1.65 Gms. of Ether Soluble Alkaloids of Ipecac"; "Tincture Belladonna U.S.P.-X. * * * Each 100 Cc. contains not less than .027 gm. or more than .033 gm. of the alkaloids of Belladonna Leaves"; "Aromatic Spirit Ammonia U.S.P.-X."

It was alleged in the information that the elixir three bromides 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 official at the time of investigation, since it contained not more than 70.12 grams of potassium bromide and not more than 66.58 grams of sodium bromide, per 1,000 cubic centimeters, whereas the National Formulary provides that 1,000 cubic centimeters of elixir three bromides shall contain not less than 80 grams each of potassium bromide and sodium bromide; and the standard of strength, quality, and purity of the article was not declared on the container.

Adulteration of the remaining products was alleged for the reason that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, in the following respects, and their own standard of strength, quality, and purity was not declared on the container: The granular effervescent sodium phosphate contained more than 20 percent of exsiccated sodium phosphate, namely, not less than 32.46 percent of exsiccated sodium phosphate, whereas the pharmacopoeia provides that the product shall contain not more than 20 percent of exsiccated sodium phosphate; the fluidextract of ipecac yielded less than 1.35 grams, namely, not more than 1.027 grams, of the ether-soluble alkaloids of ipecac per 100 cubic centimeters, whereas the pharmacopoeia provides that the product shall yield from each 100 cubic centimeters not less than 1.35 grams of the ether-soluble alkaloids of ipecac; the tincture of belladonna yielded more than 0.033 gram, namely, not less than 0.037 gram, of the alkaloids of belladonna leaves per 100 cubic centimeters, whereas the pharmacopoeia provides that the product shall contain in each 100 cubic centimeters not more than .033 gram of the alkaloids of belladonna leaves; the aromatic spirit of ammonia contained less than 1.839 grams, namely, not more than 1.171 grams, of ammonia per 100 cubic centimeters, whereas the pharmacopoeia provides that the product shall contain not less than 1.839 grams of ammonia per 100 cubic centimeters. Adulteration was alleged with respect to all products for the further reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements "Effervescent Sodium Phosphate * * * U.S.P. Strength", "Elixir Three Bromides, N.F.", "Fluidextract Ipecac, U.S.P. Each 100 Cc. contains not less than 1.35 Gms. or more than 1.65 Gms. of Ether Soluble Alkaloids of Ipecac". "Tincture Belladona U.S.P.-X * * * Each 100 Cc. contains not * * * more than .033 gm. of the Alkaloids of Belladonna Leaves", "Aromatic Spirit Ammonia U.S.P.-X", borne on the labels of the respective products, were false and misleading.

On January 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $75.

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

21807. Misbranding of Schultz Liquid-Tone. U. S. v. Ferdinand Henry Schultz (Schultz Chemical Co.). Plea of guilty. Fine, $200 and costs. (F. & D. no. 30276. Sample no. 6338–A.)

Examination of the drug preparation, Schultz Liquid-Tone, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 31, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ferdinand Henry Schultz, trading as the Schultz Chemical Co., Council Bluffs, Iowa, alleging shipment by said defendant on or about August 3, 1932, from the State of Iowa into the State of Nebraska, of a quantity of Schultz Liquid-Tone that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of copper sulphate, sodium thiosulphate, potassium hydroxide, carbonates, phenols, glycerin, anise oil, and water, colored with caramel.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the label of the drum containing the article, falsely and fraudulently represented that it was effective as a treatment for sick hogs; effective as a preventive treatment against disease; effective as a preventive treatment of germ diseases in brood sows; effective as a treatment following vaccination to prevent any breaks on account of lowered vitality in