

effects of the article, appearing on the bottle and carton labels and in an accompanying circular, falsely and fraudulently represented that it was effective as a relief, treatment, remedy, and cure for tuberculosis, pneumonia, laryngitis, bronchitis, pleurisy, influenza, asthma, coughs, rheumatism, lumbago, neuritis, and blood poisoning; effective to sweep out the aching root pain and to kill rheumatic aches; effective to start normal circulation coursing down to the painful area; effective as a sovereign liniment for coughs, influenza and pneumonia; effective as a great relief for tubercle lungs, glands and joints, to arrest the work of pneumonia and influenza in a few hours and to give immediate relief in rheumatic fever and to put the patient on his feet within a short time; effective to banish pain; effective as a treatment, remedy, and cure for chronic rheumatism, peritonitis, catarrh, stiff joints, throat and lung troubles, and any affliction which has become deep seated and of long standing; and effective to prolong life. Misbranding was alleged for the further reason that the statement on the carton, "Pharmaceutically Non-poisonous", was false and misleading, since the article was pharmaceutically poisonous, in that it contained ammonia.

On February 12, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$4.

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

22186. Adulteration and misbranding of sweet spirits of niter. U. S. v. Samuel Kidder & Co., Inc. Plea of nolo contendere. Fine, \$5. (F. & D. no. 30221. Sample no. 11270-A.)

This case was based on a shipment of sweet spirits of niter which contained ethyl nitrite in excess of the amount provided by the United States Pharmacopoeia, and in excess of the amount declared on the label.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Kidder & Co., Inc., Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1932, from the State of Massachusetts into the State of Connecticut, of a quantity of sweet spirits of niter which was adulterated and misbranded. The article was labeled in part: "Sweet Spirits of Nitre * * * Each fluid ounce contains 15 grains of Ethyl Nitrite * * * Samuel Kidder & Co., Inc. Boston, Mass."

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 said pharmacopoeia official at the time of investigation, since it contained not less than 5.52 percent of ethyl nitrite, whereas the pharmacopoeia provides that spirit of ethyl nitrite shall contain not more than 4.5 percent of ethyl nitrite, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold, since each fluid ounce of the article was represented to contain 15 grains of ethyl nitrite; whereas each fluid ounce contained more than 15 grains of ethyl nitrite, to wit, not less than 20.5 grains.

Misbranding was alleged for the reason that the statement, "Each fluid ounce contains 15 grains Ethyl Nitrite", borne on the bottle label, was false and misleading, since the article contained more than 15 grains of ethyl nitrite per fluid ounce.

On February 12, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$5.

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

22187. Adulteration of milk of magnesia. U. S. v. Eugene J. Fishgoll (Missouri Products Co.). Plea of guilty. Fine, \$50. (F. & D. no. 30222. Sample no. 6723-A.)

This case was based on an interstate shipment of milk of magnesia which was represented to be of pharmacopoeial standard. Analysis showed that it contained but little more than one-half the amount of magnesium hydroxide required by the United States Pharmacopoeia.

On September 27, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eugene J. Fishgoll, trading as the Mis-

souri Products Co., St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 22, 1932, from the State of Missouri into the State of Illinois, of a quantity of milk of magnesia which was adulterated. The article was labeled in part: "Supreme Milk of Magnesia U. S. P. * * * Guaranteed by Missouri Products Co. St. Louis, Mo."

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 said pharmacopoeia official at the time of investigation, in that it contained less than 7 percent of magnesium hydroxide, to wit, not more than 3.59 percent; whereas the pharmacopoeia provides that milk of magnesia shall contain not less than 7 percent of magnesium hydroxide, and the standard of 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.

On March 29, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

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

22188. Adulteration and misbranding of magnesium sulphate ampoules. U. S. v. G. H. Sherman, M. D., Inc. Plea of guilty. Fine, \$100.
(F. & D. no. 30330. Sample no. 5853-A.)

This case was based on an interstate shipment of magnesium sulphate ampoules which contained a smaller amount of magnesium sulphate than declared on the label.

On December 21, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. H. Sherman, M.D., Inc., Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 11, 1932, from the State of Michigan into the State of Ohio, of a quantity of magnesium sulphate ampoules which were adulterated and misbranded. The article was labeled in part: (Box) "100 Ampoules Sterile 50% Solution Magnesium Sulphate. * * * G. H. Sherman, M.D., Inc., Bacteriological Laboratories, Detroit, Michigan"; (ampoule container) "58 2 CC * * * 2 Cubic Centimeters Formula Magnesium Sulphate 50 Per Cent Solution Formula Magnesium Sulphate 15½ Grains."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed strength and quality under which it was sold, since it was represented to be a 50 percent solution of magnesium sulphate, and that 2 cubic centimeters of the article contained 15½ grains of magnesium sulphate, whereas it was not a 50 percent solution of magnesium sulphate, i. e., not more than 36.59 percent, and each 2 cubic centimeters of the article contained not more than 13.49 grains of magnesium sulphate.

Misbranding was alleged for the reason that the statements, "Magnesium Sulphate 50% Solution", borne on the box label, and the statements, "2 Cubic Centimeters * * * Magnesium Sulphate 15½ Grains", borne on the ampoule container, were false and misleading.

On February 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

22189. Misbranding of Ru-Co Aspirin. U. S. v. 837 Tins of Ru-Co Aspirin. Default decree of condemnation and destruction. (F. & D. no. 30672. Sample no. 34250-A.)

This case involved a shipment of aspirin tablets, the labels of which bore unwarranted curative and therapeutic claims. It was also claimed for the article that it would not depress the heart, whereas aspirin is a heart depressant.

On July 28, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 837 tins of Ru-Co Aspirin at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about April 5, 1933, by the Clyde Collins Chemical Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.