

tablets, bottle and carton) as a treatment for grippe, lumbago, rheumatism, and pains in general.

On October 19, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**23258. Misbranding of Supersan Animal Soft Soap. U. S. v. Chemical Compounding Corporation and Eugene Kohn. Pleas of guilty. Fines, \$75. (F. & D. no. 32897. Sample no. 43750-A.)**

This case involved a shipment of animal soap, the labeling of which contained unwarranted curative and therapeutic claims.

On September 29, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chemical Compounding Corporation and Eugene Kohn, Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about November 8, 1933, from the State of New York into the State of New Jersey, of a quantity of Supersan Animal Soft Soap which was misbranded.

Analysis showed that the article consisted of water (23.6 percent), potassium oxide (7.1 percent) fatty anhydride (39.2 percent) glycerin (6.9 percent), and pine oil, (23.2 percent).

The information charged that the article was misbranded in that the statement, "Aids in the Treatment of \* \* \* many other skin diseases", was a statement regarding the curative and therapeutic effects of the article, and was false and fraudulent. The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1357 published under that act.

On October 5, 1934, the defendants entered pleas of guilty and the court imposed fines of \$75 for violation of the Food and Drugs Act.

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

**23259. Adulteration and misbranding of sweet spirit of niter. U. S. v. Witsell Bros. Manufacturing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 32900. Sample no. 34305-A.)**

This case was based on a shipment of sweet spirit of niter which was represented to be of pharmacopoeial standard, but which contained less alcohol than required by the United States Pharmacopoeia, and less than declared on the label.

On October 20, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Witsell Bros. Manufacturing Co., Inc., a corporation, Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 7, 1933, from the State of Tennessee into the State of Missouri, of a quantity of sweet spirit of niter which was adulterated and misbranded. The article was labeled in part: (Bottle and carton) "We-Li-Ka Brand Pure Sweet Spirit Nitre, U. S. P. Alcohol 90%"; (carton) "Packed by Witsell Bros. Mfg. Co., Memphis, Tenn."

The information charged 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 it contained 73.0 percent of alcohol by volume, whereas the pharmacopoeia provides that sweet spirit of niter shall contain not less than 85 percent of alcohol by volume; 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 strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented as conforming to the United States Pharmacopoeia, and as containing 90 percent of alcohol, whereas it did not conform to the standard laid down in the pharmacopoeia, and contained less than 90 percent of alcohol.

Misbranding was alleged for the reason that the statement "Pure Sweet Spirit Nitre U. S. P. Alcohol 90%, borne on the carton and bottle label, was false and misleading. Misbranding was alleged for the further reason that the article contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein.

On October 31, 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.*