district court an information against John W. White, trading as Dr. J. W. White, proprietor of White's Herb Manufacturing & Remedy Co., Bessemer, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 8, 1934, from the State of Alabama, into the State of Pennsylvania of a quantity of White's Herb Tonic which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs, alcohol (less than 1 percent), and water.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the bottle and package labels, falsely and fraudulently represented that it was effective as a system builder, and as a remedy for syphilis, blood poison, rheumatism, kidney and liver troubles, pellagra, indigestion, female troubles, pains in the back, hip joints, knees, gallstone, influenza and appendicitis; effective to take away that tired feeling, give a good appetite, and put flesh on the bones; and effective to cure scrofula. Misbranding was alleged for the further reason that the statement "We, the undersigned, do hereby guarantee that the articles of Food and Drugs listed herein or specifying the same are not adulterated or misbranded within the meaning of the Federal Food and Drugs Act, June 30, 1906, as amended. Dr. J. W. White, Proprietor of White Herb Mfg. & Remedy Co.", borne on the package label, was false and misleading since the article was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, as amended.

On March 12, 1935, the defendant entered a plea of guilty and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24643. Adulteration and misbranding of Anti-Caps. U. S. v. Arthur Petrie (Anti-Caps Co.). Plea of guilty. Fine, $15. (F. & D. no. 33786. Sample no. 42836–A.)

This case involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On October 20, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Petrie, trading as the Anti-Caps Co., Oklahoma City, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 9, 1932, from the State of Oklahoma into the State of Kansas of a quantity of Anti-Caps which were adulterated and misbranded.

Analysis showed that the article consisted of a base of petrolatum and wax containing small proportions of menthol and methyl salicylate. Bacteriological examination showed that it was not antiseptic under any conditions.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be antiseptic when used as directed, whereas it was not antiseptic when used as directed.

Misbranding was alleged for the reason that the statements, "Antiseptic", "antiseptic oil", "Antiseptic Capsules", and "antiseptic ointment", contained in a circular shipped with the article, were false and misleading, since the article was not antiseptic, it was not an antisepic oil, not an antiseptic capsule, and was not an antiseptic ointment. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the package label and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a valuable health insurance; effective as a preventive of infectious bodily excretions, vaginal ulcers, and cancers, and effective as a valuable health preserver.

On May 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of $15.

W. R. GREGG, *Acting Secretary of Agriculture.*

24644. Misbranding of Phospho. U. S. v. Mobile Drug Co. Plea of nolo contendere. Judgment of guilty. Fine, $22.50. (F. & D. no. 33828. Sample no. 61235–A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 17, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mobile Drug Co., a corporation trading at Mobile, Ala., alleging shipment by said company in violation of the Food

and Drugs Act as amended, on or about August 11, 1933, from the State of Alabama into the State of Tennessee, of a quantity of Phospho which was misbranded.

Analysis showed that the article consisted essentially of sodium phosphate, phosphoric acid, and water.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the bottle and carton labels, falsely and fraudulently represented that it was effective as a relief from indigestion, torpid liver, distress after eating, all stomach and bowel troubles, every kind of trouble of the stomach, bowels, liver, kidneys; effective as a relief from dyspepsia, biliousness, and sick headache; effective to eliminate uric acid from the system, and effective as a remedy for rheumatism.

On June 3, 1935, a plea of nolo contendere having been entered on behalf of the defendant company, a judgment of guilty was entered and a fine of $22.50 was imposed, together with $5 clerk's costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24645. Misbranding of White Cross Quinine and Iron Tonic. U. S. v. John H. Cash (American Drug Co.). Plea of nolo contendere. Judgment of guilty. Fine, $30.50. (F. & D. no. 33829. Sample no. 39263-A.)

This case was based on a shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On December 17, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Cash, trading as the American Drug Co., Mobile, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 11, 1933, from the State of Alabama into the State of Florida, of a quantity of White Cross Quinine and Iron Tonic which was misbranded.

Analysis showed that the article consisted of an aqueous solution containing in each 100 milliliters quinine sulphate, (2 grams), magnesium sulphate (Epsom salt, 48 grams), and an iron compound.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, appearing on a circular wrapper shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for chills and fever, dengue fever, and influenza; and effective as an excellent general system tonic.

On June 7, 1935, the defendant entered a plea of nolo contendere, was adjudged guilty and was fined $30.50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24646. Adulteration and misbranding of pituitary extract and sodium cacodylate. U. S. v. William A. Fitch, Inc. Plea of guilty. Fine, $200. (F. & D. nos. 30332, 33843. Sample nos. 20710-A, 52053-A.)

This case was based on an interstate shipment of pituitary extract which had a potency below that prescribed by the United States Pharmacopoeia, and of sodium cacodylate ampoules that contained a smaller amount of sodium cacodylate than declared on the label.

On May 7, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against William A. Fitch, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, from the State of New York into the State of New Jersey, on or about July 2, 1932, of a quantity of pituitary extract, and on or about October 31, 1933, of a quantity of sodium cacodylate which products were adulterated and misbranded. The articles were labeled in part: "Pituitary Extract Fitch Double Strength"; "Solution Sodium Cacodylate Fitch 1 Gm. (15½ grs.)."

The pituitary extract was alleged to be adulterated in that it was sold under a name recognized in the United States Phamacopoeia 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 its potency was below the standard prescribed in that authority, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the pituitary extract was alleged for the further reason that its strength or purity fell below the professed standard and quality under which it was sold, since it was represented to be pituitary extract of double strength, whereas it was not.