ing this reaction from the constituent foods used, therefore making it unnecessary to add alkaline chemicals * * * Malvitose contains all the known vitamins * * * Guarantee—Malvitose is guaranteed by the Malvitose Laboratories, Inc., to comply with the standards fixed by the United States Government." Misbranding was alleged for the further reason that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Health * * * For deficiency diseases take three times daily * * * Health * * * to restore to the patient as nearly as possible that range which is maintained by the normal body. * * * to promote growth and health * * * essential to good health * * * Pathologic cases Treated Malvitose has been proven of inestimable value in such deficiency cases as Malnutrition, Hyperacidity, Anemia, Gastro and Duodenal Ulcers, Tuberculosis, Asthma, Mucus Colitis, Eczema, Constipation and diseases resulting from unbalanced and inadequate diets."

On August 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25051. Misbranding of F. W. McNess' Sarsaparilla and Burdock Compound. U. S. v. 132 Bottles of F. W. McNess' Sarsaparilla and Burdock Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33645. Sample no. 47697–A.)

Examination of this article disclosed that its name did not represent its active ingredients; that its label did not correctly state its true alcoholic content and bore the inaccurate statement that it was a safe and appropriate tonic. It was found that the curative and therapeutic claims made for the article were unwarranted.

On October 10, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 bottles of F. W. McNess' Sarsaparilla and Burdock Compound at Oakland, Calif., alleging that the article had been shipped, on or about March 24, 1934, by Furst & Thomas, from Freeport, Ill., to Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "F. W. McNess' Sarsaparilla and Burdock Compound * * * Manufactured by Furst-McNess Company * * * Freeport, Illinois, U. S. A."

Analysis of a sample showed that it consisted essentially of sugar, water, and alcohol (13.8 percent) with small amounts of sodium iodide, potassium iodide, an iron compound, and a laxative plant drug.

False and misleading branding of the article was charged (1) that the name "Sarsaparilla and Burdock Compound" did not denote the active ingredients of the article; (2) in that the picture of a plant on a circular shipped with the article, and a statement in the circular, namely, "From time immemorial housewives have made up various decoctions from barks and herbs", were misrepresentative of the composition of the article; (3) and that the following statements on the label and in a circular shipped with the article misrepresented it to be a safe and appropriate tonic for use by all persons: (Label) "Directions Children 3 to 6 years—10 to 15 drops, 3 times a day. Children 7 to 12 years—¼ to ½ teaspoonful 3 times a day. Adults—1 to 2 teaspoonfuls 3 times a day. To be taken preferably after meals. Some patients require larger doses than others as constitutions differ"; (circular) "Directions for taking Children 3 to 6 years—10 to 15 drops, 3 times a day. Children 7 to 12 years—¼ to ½ teaspoonful, 3 times a day. Adults—1 to 2 teaspoonfuls, 3 times a day. To be taken preferably after meals. Some patients require larger doses than others as constitutions differ." False and fraudulent branding of the article was charged (1) in respect to the following statements on the label and in a circular shipped with the article, regarding its curative or therapeutic effects, (label) "Tonic"; (circular)" Tonic * * * Springtime is when an individual is phlegmatic and sluggish * * * Then is the time when there is nothing in particular the matter, yet you feel the need of a tonic. * * * McNess Sarsaparilla and Burdock Compound supplies this tonic"; (label) "Directions Children 3 to 6 years—10 to 15 drops, 3 times a day. Children 7 to 12 years—¼ to ½ teaspoonful 3 times a day. Adults—1 to 2 teaspoonfuls 3 times a day. To be taken preferably after meals. Some patients require larger doses than others as constitutions differ"; (2) in respect to the curative or therapeutic statements on the label, namely, that the article was a safe and appropriate tonic for use by all persons, because its administration as directed in the label would be potentially dangerous to persons afflicted with latent pulmonary

tuberculosis. Misbranding also was charged because the packages failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On November 8, 1935, no claimant having appeared, judgment of condemnation, forfeiture, and destruction was entered.

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

25052. Adulteration and misbranding of tincture of digitalis, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets. U. S. v. The G. F. Harvey Co. Plea of nolo contendere. Judgment of guilty. Fine, $200. (F. & D. no. 33989. Sample nos. 66256–A, 7446–B, 7447–B, 7449–B.)

This case involved the following products: Tincture of digitalis that had a potency of approximately twice the requirement of the United States Pharmacopoeia; nitroglycerin tablets that contained nitroglycerin in excess of the amount declared on the label; and strychnine sulphate tablets and strychnine nitrate tablets that contained less strychnine sulphate and less strychnine nitrate, respectively, than declared on the labels.

On October 21, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. F. Harvey Co., a corporation, Saratoga Springs, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about January 8 and August 14, 1934, from the State of New York into the State of New Jersey, of quantities of tincture of digitalis, nitroglycerin tablets, strychnine sulphate tablets, and strychnine nitrate tablets which were adulterated and misbranded.

The articles were labeled, variously: "Tincture Digitalis U. S. P., 10th Revis. * * * The G. F. Harvey Co., Pharmaceutical Manufacturers, Saratoga Springs, New York. * * *"; "Hypoder. Tab. Nitroglycerin 1-100 Grain"; "Hypodermic Tab. Strychnine Sulphate 1-60 Grain * * *"; "Hypoder. Tab. Strychnine Nitrate 1-60 Grain * * *."

The tincture of digitalis was alleged to be 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 in that it had a potency of approximately twice the requirement prescribed in the pharmacopoeia for tincture of digitalis; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged with respect to all products for the reason that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: The tincture of digitalis was represented to conform to the test laid down in the United States Pharmacopoeia, tenth revision, whereas it was not tincture of digitalis which conformed to the test laid down in the said pharmacopoeia; the nitroglycerin tablets were each represented to contain one-hundredth of a grain of nitroglycerin, whereas each of said tablets contained more than so represented, namely, not less than 0.0128 grain, i. e., approximately one-eightieth of a grain of nitroglycerin; the strychnine sulphate tablets were each represented to contain one-sixtieth of a grain of strychnine sulphate, whereas each of said tablets contained less than so represented, namely, not more than 0.0147 grain (approximately one-seventieth of a grain) of strychnine sulphate; and the strychnine nitrate tablets were each represented to contain one-sixtieth of a grain of strychnine nitrate, whereas each of said tablets contained less than so represented, namely, not more than 0.0142 grain (approximately one-seventieth of a grain) of strychnine nitrate.

Misbranding was alleged for the reason that the statements "Tincture Digitalis U. S. P., 10th Revis.", "Hypoder. Tab. Nitroglycerin 1-100 Grain", "Hypodermic. Tab. Strychnine Sulphate 1–60 Grain", and "Tab. Strychnine Nitrate 1–60 Grain", borne on the labels of the respective products, were false and misleading, since the tincture of digitalis did not conform to the test laid down in the United States Pharmacopoeia, tenth revision; that nitroglycerin tablets contained more than one one-hundredth of a grain of nitroglycerin; and the strychnine sulphate tablets and strychnine nitrate tablets contained less than one-sixtieth of a grain of strychnine sulphate and strychnine nitrate, respectively.

On October 31, 1935, the defendant company was adjudged guilty upon a plea of nolo contendere, and was sentenced to pay a fine of $200.

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