

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26726-26825

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 17, 1937]

26726. Adulteration and misbranding of Lassar's zinc paste. U. S. v. Price Drug Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 33892. Sample no. 43077-A.)

This product contained salicylic acid in a proportion less than that prescribed for Lassar's Zinc Paste in the National Formulary.

On February 2, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Price Drug Co., Inc., New York, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about November 23, 1933, from the State of New York into the State of Connecticut of a quantity of Lassar's zinc paste that was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, since said article contained less than 2 grams of salicylic acid per 100 grams of the article; whereas said formulary provided that Lassar's zinc paste should contain not less than 2 grams of salicylic acid per 100 grams.

The article was alleged to be misbranded in that the statement "Lassar's Zinc Paste (N. F.)", borne on the label, was false and misleading since it represented that said article was Lassar's zinc paste, which conformed to the standard laid down in the National Formulary; whereas in fact said article was not Lassar's zinc paste that conformed to the standard laid down in the National Formulary.

On May 11, 1936, a plea of guilty was entered on behalf of defendant corporation and the court imposed a fine of \$50.

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

26727. Misbranding of Sip-O. U. S. v. George J. McCabe (McCabe Drug Co.). Plea of guilty. Fine, \$25. (F. & D. no. 35980. Sample no. 23158-B.)

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On February 4, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George J. McCabe, trading as McCabe Drug Co., Fargo, N. Dak., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 14 and February 14, 1935, from the State of North Dakota into the State of Minnesota of a quantity of Sip-O that was misbranded.

Analysis of the article showed that it consisted essentially of water, sugar, menthol, chloroform, and a small amount of pine tar and unidentified plant extractives.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, "* * * for Coughs * * *", and "A Valuable Remedy for Coughs * * * Bronchitis, Bronchial Asthma, * * * Whooping Cough, Sore Throat, Catarrh, Hay Fever, * * * Hoarseness * * *", borne on the labels, falsely and fraudulently represented that it was effective for the treatment of coughs; and effective as a