It was alleged to be misbranded in that the statement, "Each tablet represents the medicinal properties of 5 mins. Tinct. Aconite, U. S. P.", borne on the bottle labels, was false and misleading in that each of the tablets was represented to have the medicinal properties of 5 minims of tincture of aconite, U. S. P.; whereas in fact each of the tablets had less than 5 minims of the medicinal properties of tincture of aconite, U. S. P.

On March 1, 1937, the defendant entered a plea of nolo contendere and the court imposed a fine of $250.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27137. Adulteration and misbranding of No. 8 Dispensary Tablets Extract Belladonna Leaves, Powdered Extract Belladonna Leaves U. S. P. X, and No. 39 Ophthalmic Ointment Atropine Sulphate. U. S. v. Sharp & Dohme, Inc. Plea of nolo contendere. Sentence suspended. (F. & D. no. 38047. Sample nos. 45419–B, 67509–B, 67569–B.)

The No. 8 Dispensary Tablets Extract Belladonna Leaves contained less than the quantity of extract of belladonna leaves represented on the label. The Powdered Extract Belladonna Leaves U. S. P. X differed from the standard prescribed for such article in the United States Pharmacopoeia and yielded less than the proportion of the total alkaloids of belladonna leaves represented on the label. The No. 39 Ophthalmic Ointment Atropine Sulphate contained less than the proportion of atropine sulphate represented on the label.

On December 28, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sharp & Dohme, Inc., charging shipment by said corporation in violation of the Food and Drugs Act, on or about October 18, 1935, from the State of Pennsylvania into the State of Georgia of a quantity of No. 8 Dispensary Tablets Extract Belladonna Leaves; on or about February 20, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of Powdered Extract Belladonna Leaves U. S. P. X; and on or about January 11, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of No. 39 Ophthalmic Ointment Atropine Sulphate all of which products were adulterated and misbranded.

The article No. 8 Dispensary Tablets Extract Belladonna Leaves was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 1 grain of extract of belladonna leaves; whereas in fact each of the tablets contained not more than 0.78 grain of extract of belladonna leaves. Said article was alleged to be misbranded in that the statement, "Tablets Extract Belladonna Leaves 1-Grain", borne on the bottle labels, was false and misleading in that it represented that each of the tablets contained 1 grain of extract of belladonna leaves; whereas in fact each of the tablets contained less than 1 grain of extract of belladonna leaves.

The article Powdered Extract Belladonna Leaves U. S. P. X 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 said pharmacopoeia in that 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves, to wit, not more than 1 percent of the total alkaloids of belladonna leaves; whereas said pharmacopoeia provided that powdered extract of belladonna leaves should yield not less than 1.18 percent of the total alkaloids of belladonna leaves, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be powdered extract of belladonna leaves that conformed to the standard laid down in the United States Pharmacopoeia, 10th Revision, and that 1 gram of the article yielded 1.18 to 1.32 percent of the total alkaloids of belladonna leaves; whereas in fact the article was not powdered extract of belladonna leaves which conformed to the standard laid down in said pharmacopoeia, and 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves. Said article was alleged to be misbranded in that the statements, "Powdered Extract Belladonna Leaves U. S. P. X", and "One gram of this powdered extract * * * yields 1.18% to 1.32% total alkaloids", borne on the bottle labels, were false and misleading in that they represented that it was powdered extract of belladonna leaves that conformed to the standard laid down in the United States Pharmacopoeia, 10th Revision,

and that 1 gram of the article yielded 1.18 to 1.32 percent of the total alkaloids of belladonna leaves; whereas in fact the article was not powdered extract of belladonna leaves that conformed to the standard laid down in said pharmacopoeia, and 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves.

The article No. 39 Ophthalmic Ointment Atropine Sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 1 percent of atropine sulphate; whereas in fact the article contained not more than 0.75 percent of atropine sulphate. Said article was alleged to be misbranded in that the statement, "Ophthalmic Ointment Atropine Sulphate 1 Per cent", borne on the tube labels, cartons, and boxes containing the cartons, was false and misleading in that it represented that the article contained 1 percent of atropine sulphate; whereas in fact it contained less than 1 percent of atropine sulphate.

On March 19, 1937, the defendant entered a plea of nolo contendere and the court suspended sentence.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27138. Adulteration and misbranding of diluted mercurial ointment U. S. P. and elixir terpin hydrate and codeine. U. S. v. S. F. Durst & Co., Inc. Plea of nolo contendere. Fine, $100. (F. & D. no. 38586. Sample nos. 75246–B, 75247–B.)

Both articles differed from the standards prescribed for them in the United States Pharmacopoeia, and the elixir terpin hydrate and codeine also contained more than the quantity of terpin hydrate represented on the label.

On January 25, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. F. Durst & Co., Inc., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 27, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of diluted mercurial ointment U. S. P. and of elixir terpin hydrate and codeine that were adulterated and misbranded.

The Diluted Mercurial Ointment U. S. P. 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 said pharmacopoeia in that it contained less than 29 percent of mercury, to wit not more than 23.42 percent thereof; whereas said pharmacopoeia provided that diluted (mild) mercurial ointment should contain not less than 29 percent of mercury, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be diluted mercurial ointment that conformed to the standard laid down in the United States Pharmacopoeia; whereas it in fact was not diluted mercurial ointment that conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement "Diluted Mercurial Ointment U. S. P.", borne on the label, was false and misleading in that it represented that the article was diluted mercurial ointment which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not diluted mercurial ointment that conformed to the standard laid down in said pharmacopoeia.

The Elixir Terpin Hydrate & Codeine 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, in that it contained more than 17.5 grams, to wit, not less than 23.8 grams, of terpin hydrate per 1,000 cubic centimeters, equivalent to 10.8 grains of terpin hydrate per fluid ounce; whereas said formulary provided that elixir terpin hydrate and codeine should contain in each 1,000 cubic centimeters 2 grams of codeine and 17.5 grains of terpin hydrate, the article contained codeine sulphate, which is not mentioned in said formulary as a constituent of elixir terpin hydrate and codeine; and its standard of strength, quality, and purity was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that