

27879. Adulteration of phenolphthalein tablets and tincture of belladonna leaves. U. S. v. Meyer Bros. Drug Co. Plea of guilty. Fine, \$400. (F. & D. No. 39486. Sample Nos. 4685-C, 4695-C, 30226-C.)

This case involved (1) tablets which contained less phenolphthalein than declared; and (2) tincture of belladonna leaves which yielded alkaloids of belladonna leaf in excess of the amount provided by the United States Pharmacopoeia.

On May 17, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Meyer Bros. Drug Co., a corporation, St. Louis, Mo., alleging shipment by said company on or about August 19, 1936, from the State of Missouri into the State of Kansas of quantities of drugs that were adulterated. The articles were labeled: "Tablets Phenolphthalein U. S. P. 1 Grain"; and "Tincture Belladonna Leaves U. S. P. X." Both were labeled further: "Meyer Brothers Drug Co. Saint Louis, New Orleans."

The phenolphthalein tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 1 grain of phenolphthalein; whereas each of a portion of said tablets contained less than 1 grain, namely, not more than 0.97 grain, and the remainder, not more than 0.7 grain of phenolphthalein. The tincture of belladonna leaves was alleged to be adulterated in that it was sold under 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 therein since it yielded more than 0.033 gram, namely, not less than 0.04 gram, of the alkaloids of belladonna leaf per 100 cubic centimeters; whereas the pharmacopoeia provided that tincture of belladonna should yield from each 100 cubic centimeters not more than 0.033 gram of the alkaloids of belladonna leaf; and the standard of strength, quality, and purity of the article was not declared on the container.

On September 17, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$400.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27880. Misbranding of Tónico Prieto. U. S. v. Antonio Prieto and Emelia B. DePrieto (Indian Laboratory Co.). Plea of guilty. Fines, \$100. (F. & D. No. 39748. Sample Nos. 10181-C, 38808-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. The labeling also bore false and misleading representation regarding its composition.

On July 31, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Antonio Prieto and Emelia B. DePrieto, copartners, trading as the Indian Laboratory Co., Laredo, Tex., alleging shipment by said defendants on or about March 23 and October 24, 1936, from the State of Texas into the State of California of quantities of Tónico Prieto that was misbranded. The article was labeled in part: "Tónico Prieto * * * Made For Indian Laboratory Co. Laredo, Texas."

Analysis showed that the article consisted essentially of water, glycerin, alcohol, potassium iodide (9 grains per fluid ounce), sodium benzoate, and extracts of plant drugs including cinchona.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle and carton and in circulars shipped with the article, falsely and fraudulently represented that it was effective as a tonic, as a general alterative tonic, aperitive, and nerve sedative; effective as favoring the "changes of nutrition" and the elimination of uric acid in the urine; effective to promote metabolism and to eliminate uric acid in the urine, to enrich the blood with the adequate amount of hemoglobin, to restore the appetite and awaken the functions of the organic life in the body; effective as a tonic for the bronchial system and lungs, and to cure coughs and chronic coughs; effective as a preventive of insomnia, to strike at the very root of disease, and to rejuvenate; effective as a treatment, remedy, and cure for anemia, boils, pimples, skin diseases, and light ulcers; and effective as a tonic for poor blood; effective to enrich the blood, to increase the blood corpuscles, to restore the appetite, and to activate all the functions; effective to give new life and fresh enthusiasm, to act upon the respiratory system, to free the bronchi of congestion, and to cure stubborn and chronic coughs; effective as a great strengthener; effective to cicatrize pimples, herpes, light sores, and other cutaneous diseases caused by debility

of the system; effective as a remedy for poor blood, anemia, backache, weariness of the legs, fatigue of the heart, and cardiac asthenia; and effective to act on infections of the skin.

It was alleged to be misbranded further in that the statements in the labeling (circulars) "Walnut Tonic," "Tonic of Walnut," and "The genuine [or "real"] extract of black walnut," (carton) "Tonic of Walnut Mexican Herbs, Roots and Medicinal Extracts," "Made from Mexican Herbs, Roots and Walnut-Bark and Medicinal Extracts," and (bottle) "Composed of Walnut, Mexican Herbs and Roots and Medicinal Extracts," were false and misleading since it was not a tonic of walnut, and was not made from the real extract of black walnut, Mexican herbs and roots, and medicinal extracts.

On September 21, 1937, the defendants entered pleas of guilty and the court imposed fines totaling \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27881. Misbranding of McKeon's Liquid Sulph-O. U. S. v. Sulphur Products Co., Inc., and Wilfred S. McKeon. Pleas of guilty. Fines, \$20. (F. & D. No. 39815. Sample No. 42040-C.)

The labeling of this product contained false and fraudulent representations regarding its curative or therapeutic effects.

On October 21, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sulphur Products Co., Inc., Greensburg, Pa., and Wilfred S. McKeon, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 13, 1937, from the State of Pennsylvania into the State of Virginia of a quantity of McKeon's Liquid Sulph-O that was misbranded. The article was labeled in part: "McKeon's Liquid Sulph-O * * * Sulphur Products Co., Inc., Greensburg, Pa."

Analysis showed that it consisted essentially of calcium polysulphide, calcium thiosulphate, and water.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic or curative effects, borne on the bottle label, falsely and fraudulently represented that it was effective as a preventive of and as a treatment, remedy, and cure for ailments and diseases of chickens, turkeys, ducks, pigeons, and rabbits.

On October 26, 1937, Wilfred S. McKeon entered a plea of guilty, and the court imposed a fine of \$10 and costs. On October 28, 1937, the corporation entered a plea of guilty and on October 29, 1937, was sentenced to pay a fine of \$10 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27882. Adulteration and misbranding of plain pyoktanin catgut. U. S. v. 70 Boxes of Plain Pyoktanin Catgut. Default decree of condemnation and destruction. (F. & D. No. 39884. Sample No. 31120-C.)

This product was sold under a name indicating that it was sterile; however, 7 of 24 sutures examined were contaminated with viable gram-positive bacilli.

On June 22, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 boxes of plain pyoktanin catgut at Longmont, Colo., consigned by the laboratory of the Ramsey County Medical Society, alleging that the article had been shipped in interstate commerce on or about April 27, 1937, from St. Paul, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, since it was not "Plain * * * Catgut" but was catgut contaminated with viable gram-positive bacilli.

It was alleged to be misbranded in that the statement on the label, "Plain Pyoktanin Catgut," was false and misleading when applied to catgut which was contaminated; and in that it was sold under the name of another article, namely, "Plain Pyoktanin Catgut," since plain pyoktanin catgut is a sterile article.

On September 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*