27911. Adulteration and misbranding of ephedrine hydrochloride capsules. U. S. v. Max J. Wolfson (Columbia Medical Laboratories). Plea of guilty. Fine, $50. (F. & D. No. 39734. Sample Nos. 26672–C, 26673–C.)

This product was sold under the name ephedrine hydrochloride, whereas it consisted of ephedrine sulphate.

On September 9, 1937, 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 Max J. Wolfson, trading as the Columbia Medical Laboratories, New York, N. Y., alleging shipment by said defendant on or about January 18, 1937, from the State of New York into the State of New Jersey of a quantity of ephedrine hydrochloride capsules that were adulterated and misbranded. The article was labeled in part; "Columbia Ephedrine Hydrochloride * * * Columbia Medical Laboratories New York, N. Y."

It 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 was not ephedrine hydrochloride, but was ephedrine sulphate.

The article was alleged to be misbranded in that the statement on the bottle, "Ephedrine Hydrochloride," was false and misleading.

On September 17, 1937, the defendant entered a plea of guilty and the court imposed a fine of $50.

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

27912. Misbranding of Reliable Perio Pills, Rex Improved Hygienic Powder, and Rex Pep-Tone Pills. U. S. v. Rex Drug Co., Lewis Podrofski, and William Jansen. Pleas of guilty. Fines totaling $75. (F. & D. No. 39739. Sample Nos. 35134–C, 35135–C, 35136–C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On August 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rex Drug Co., a corporation, Chicago, Ill., and Lewis Podrofski and William Jansen, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 4, 1937, from the State of Illinois into the State of New Jersey of quantities of the above-named drug preparations that were misbranded. The articles were labeled in part variously: "Reliable Perio Pills * * * Reliable Medical Co. * * * Chicago, Ill."; "Rex Improved Hygienic Powder [or "Rex Pep-Tone Pills"] * * * Rex Drug Co. * * * Chicago, Ill."

The Perio "Pills" consisted of brown and pink tablets. Analyses showed that the brown tablets consisted essentially of compounds of sodium and iron, sulphates, carbonates, and aloe coated with calcium carbonate; and that the pink tablets consisted essentially of phenolphthalein and ginger, with sugar and calcium carbonate. Analyses of the other products showed that the Improved Hygienic Powder consisted essentially of boric acid (99.2 percent) and a small amount of thymol; and that the Pep-Tone Pills consisted essentially of iron and sodium, sulphates, carbonates, and zinc phosphide coated with calcium carbonate.

The information alleged that the articles were misbranded in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Perio Pills, carton) "Perio Pills", "A Help to Nature in Menstrual Irregularities and Disorders"; (Perio Pills, circular) "Female Regulating Pills," "A Reliable and Effectual Remedy for Painful and Scanty Menstruation," "Obstinate Cases of Painful Menstruation," "To Prevent Irregularities"; (Hygienic Powder, canister) "Indicated in Lucorrhea, Gonorrhea, Vaginitis, Endometrites, Prurites, Vulva And in Cases of Fetid Discharges," "In severe cases douche two or three times daily until normal conditions have been restored"; (Pep-Tone Pills, inner carton) "Pep-Tone," "A Conditioning Tonic," "Helps build up the blood and aids in the restoration of shattered nerve forces."

On October 26, 1937, pleas of guilty were entered on behalf of the defendants and the court imposed fines totaling $75.

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

27913. Adulteration and misbranding of phenobarbital sodium and adulteration of Pituipost ampuls. U. S. v. The Intra Products Co. Plea of guilty. Fine, $300. (F. & D. No. 39763. Sample Nos. 30765–C, 30773–C.)

This case involved phenobarbital sodium ampuls that were contaminated with viable micro-organisms, whereas drugs in ampuls are required to be in a sterile condition; also Pituipost ampuls which differed from the standard for powdered posterior pituitary laid down in the National Formulary.

On September 10, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Intra Products Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act on or about March 5, 1937, from the State of Colorado into the State of Texas of a quantity of phenobarbital sodium which was adulterated and misbranded and a quantity of Pituipost which was adulterated. The articles were contained in ampuls labeled in part, "The Intra Products Co., Denver, Colo."

The phenobarbital sodium 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 consist wholly of sterile phenobarbital sodium; whereas it did not so consist, but did consist of unsterile phenobarbital sodium containing viable micro-organisms. It was alleged to be misbranded in that the statement "Phenobarbital Sodium," borne on the ampuls, was false and misleading in that it represented that the article consisted wholly of phenobarbital sodium; whereas it did not so consist but did consist in part of viable micro-organisms.

The Pituipost was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein since 1 cubic centimeter of the article produced an activity upon the isolated uterus of the virgin guinea pig corresponding to less than 80 percent of that produced by 0.005 gram of standard powdered posterior pituitary, i. e., an activity corresponding to not more than 25 percent of the minimum requirement of the National Formulary for ampuls of posterior pituitary, namely, pituitary extract.

On November 27, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $300.

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

27914. Adulteration and misbranding of ampuls of phenobarbital sodium. U. S. v. 63, 163, 7, and 88 Ampuls of Phenobarbital Sodium (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 39672, 39962, 39965, 40015, 40016. Sample Nos. 9586-C to 9589-C, incl., 24526-C to 24529-C, incl., 47814-C, 47942-C, 47943-C.)

Samples of this product were found to be contaminated with viable micro-organisms; whereas drugs in ampuls are required to be in a sterile condition.

On June 1, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 384 ampuls of phenobarbital sodium at Los Angeles, Calif. On July 12 and July 29, 1937, libels were filed against 29 ampuls of the product at Oakland, Calif., 251 ampuls at San Francisco, Calif., and 96 ampuls at El Paso, Tex. The libels alleged that the article had been shipped in interstate commerce between the dates of January 11 and May 28, 1937, by the Intra Products Co. from Denver, Colo., and that it was adulterated and misbranded 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, namely, ampuls of phenobarbital sodium, a sterile preparation, since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Phenobarbital Sodium," borne on the ampul, was false and misleading.

On September 2, November 3, and November 22, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27915. Misbranding of Van's Magic Oil. U. S. v. 59 Bottles of Van's Magic Oil. Default decree of condemnation and destruction. (F. & D. No. 39970. Sample No. 34047-C.)

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

On July 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 bottles of Van's Magic Oil at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 1, 1937, by Guy S. Venderlinde from Muskegon,