

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30983. Misbranding of McMillan's Nomoppin. U. S. v. William Cicero McMillan (McMillan Drug Co.). (Two cases). Pleas of guilty. Fine of \$300 in one case and \$200 in the other. Payment of fine deferred and sentence suspended in latter case. (F. & D. Nos. 40310, 42734. Sample Nos. 54356-C, 54357-C, 25196-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On April 23, 1938, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed an information against William Cicero McMillan, trading as the McMillan Drug Co., Columbia, S. C. On July 12, 1939, the United States attorney filed a second information against the same defendant. The informations alleged shipment in violation of the Food and Drugs Act as amended, on or about October 18, 1937, and July 15, 1938, from the State of South Carolina into the States of Georgia and Florida, respectively, of quantities of McMillan's Nomoppin that was misbranded.

Analysis showed that the article consisted essentially of a solution of a mixture of arsenous oxide and potassium carbonate partly combined.

The article was alleged to be misbranded in that statements on the bottle labels falsely and fraudulently represented that it possessed curative and therapeutic efficacy as an internal remedy and preventive for chicken sorehead, and as a tonic. Portions of the article were alleged to be misbranded further in that statements in a circular shipped therewith falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for chicken sorehead, and as an aid to egg production; and effective to hasten molting, brighten plumage, and restore normal flesh and vigor to flock having sorehead.

On November 8, 1939, the defendant entered pleas of guilty in the two cases and the court imposed a fine of \$300 for the violations charged in the first information, and a fine of \$200 for the violations charged in the second. Payment of fine was deferred and sentence was suspended in the latter case.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30984. Adulteration and misbranding of fluidextract of digitalis. U. S. v. One Bottle of Fluidextract of Digitalis. Default decree of condemnation and destruction. (F. & D. No. 45155. Sample No. 58450-D.)

Test of this product showed that it possessed a potency of not more than 44 percent of that indicated by its labeling.

On April 7, 1939, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one bottle of fluidextract of digitalis at Nashville, Tenn.; alleging that the article had been shipped in interstate commerce on or about January 11, 1939, by Eli Lilly & Co. from Indianapolis, Ind.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fluid Extract * * * Digitalis * * * Physiologically Standardized—1 cc. represents 1 Gm. of the dried leaf. * * * Tincture Digitalis, U. S. P. Fl. Ext. Digitalis 50 cc. Alcohol 325 cc. Water 125 cc. Mix."

Adulteration was alleged in that the strength of the article fell below the professed standard as set out on the label under which it was sold since 1 cubic centimeter of the article did not represent 1 gram of dried digitalis leaf, and a mixture of the article with alcohol and water as directed on the label would not result in the production of tincture of digitalis meeting the requirements of the United States Pharmacopoeia for such tincture.

Misbranding was alleged in that the statements quoted on the labeling were false and misleading since 1 cubic centimeter of the article did not represent 1 gram of dried digitalis leaf and a mixture of the article with alcohol and water would not result in tincture of digitalis meeting the requirements of the United States Pharmacopoeia.

On December 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*