

coordinating the functions of stomach, liver, kidneys and bowels; and effective as a "vitatonic," i. e., life tonic or vitamin tonic.

On September 5, 1940, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury. Trial was concluded on September 9, 1940, on which day the jury returned a verdict of guilty on all counts. The court thereupon imposed a fine of \$200 on each of the three counts of the information and also assessed costs.

**31112. Adulteration of elixir of phenobarbital and misbranding of Elixir Clorabis. U. S. v. Syracuse Pharmacal Co., Inc. Plea of guilty. Fine, \$200. (F. & D. No. 42681. Sample Nos. 29729-D, 31386-D.)**

This case involved elixir of phenobarbital which differed from the standard prescribed by the National Formulary and Elixir Clorabis which contained smaller proportions of ammonium bromide and alcohol than those declared on the label.

On September 11, 1939, the United States attorney for the Northern District of New York filed an information against the Syracuse Pharmacal Co., Inc., New York, N. Y., alleging shipment on or about December 14, 1937, and June 4, 1938, from the State of New York into the State of Pennsylvania of quantities of elixir of phenobarbital which was adulterated and of a quantity of Elixir Clorabis which was misbranded.

The elixir of phenobarbital was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary but differed from the standard of strength, quality, and purity as determined by the test laid down therein, since each 100 cubic centimeters of the article contained less than 0.38 gram, namely, not more than 0.328 gram of phenobarbital; whereas the National Formulary provides that elixir of phenobarbital shall contain in each 100 cubic centimeters not less than 0.38 gram of phenobarbital, and the standard of strength, quality, and purity of the article was not declared on the label. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain in each fluid dram  $\frac{1}{4}$  grain of phenobarbital; whereas each fluid dram of the article contained not more than 0.187 grain (less than  $\frac{1}{5}$  grain) of phenobarbital.

The Elixir Clorabis was alleged to be misbranded in that the statements, "Each eluid ounce represents: \* \* \* Ammonium Bromide 8 grs." and "Alcohol 12%," borne on the bottle label, were false and misleading since they represented that each fluid ounce of the article contained not less than 8 grains of ammonium bromide and that the article contained not less than 12 percent of alcohol; whereas each fluid ounce contained less than 8 grains of ammonium bromide and the article contained less than 12 percent of alcohol. It was alleged to be misbranded further in that it contained alcohol, and the labels failed to bear a statement of the quantity or proportion of alcohol contained therein since the statement made on the labels was incorrect.

On April 2, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

**31113. Misbranding of Blu-V-Spray. U. S. v. Tim Lake Laboratories, Inc. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 42791. Sample No. 37245-D.)**

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

On January 12, 1940, the United States attorney for the Southern District of Iowa filed an information against Tim Lake Laboratories, Inc., Des Moines, Iowa, alleging shipment by said company on or about May 12, 1939, from the State of Iowa into the State of Nebraska of quantities of Blu-V-Spray which was misbranded.

Analysis showed that the article consisted essentially of small proportions of volatile oils (including menthol, thymol, eucalyptol, and methyl salicylate) formaldehyde, salicylic acid, and water.

The article was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for bronchitis, gapes, colds, pneumonia, diphtheria, intestinal flu, and other infectious poultry ailments of the throat, head, and respiratory organs.

On March 30, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10 and costs.