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 to cure the most severe cases of pneumonia or throat or lung disorders, and would be helpful in the treatment of consumption; that it would be effective to free the respiratory tubes of mucus and phlegm, to remove from the respiratory tubes obstructions from the passage of the air from the lungs when affected by pneumonia or tubercular consumption, to reduce the percentage of mortality from pneumonia and tubercular consumption, and would be effective to cure asthma, bronchial trouble, croup, congestion in the throat, and pneumonia; that it would be effective to "save from death," to cure asthma on one application, and to perform wonders in the treatment of bronchial asthma; and that it would excel all remedies for disorders of throat and lungs.

On April 8, 1940, the defendant having entered a plea of not guilty, the case came on for trial before a jury, which after due deliberation returned a verdict of guilty. The court thereupon ordered imposition of sentence suspended and placed the defendant on probation for a period of 3 years. On March 18, 1941, the defendant was arrested on a charge of violation of the terms of his probation and after a hearing the suspended sentence was revoked and the court imposed a fine of $50 and costs.

31125. Adulteration and misbranding of Sulfotone Tablets and Sulfotone Compound Tablets. U. S. v. Wm. P. Poythress & Co., Inc. Tried to the court. Judgment of guilty. Fine, $50. (F. & D. No. 42632. Sample Nos. 9101-D, 17369-D, 37692-D, 48072-D, 78074-D, 54639-C.)

These tablets contained a smaller amount of sulfur than that declared on the labels.

On January 23, 1939, the United States attorney for the Eastern District of Virginia filed an information against Wm. P. Poythress & Co., Inc., Richmond, Va., alleging shipment within the period from on or about January 25, 1937, to on or about June 15, 1938, from the State of Virginia into the States of New Hampshire, Maryland, Louisiana, and Mississippi of quantities of Sulfotone Tablets and Sulfotone Compound Tablets which were adulterated and misbranded.

The articles were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 1 grain of colloidal sulfur; whereas they contained less than 1 grain of colloidal sulfur, the tablets in the various shipments having been found to contain from 0.32 to 0.39 grain each of sulfur in colloidal or any other form.

They were alleged to be misbranded in that the statements, "Tablets * * * Sulphur-Phenobarbital Grs. 1¼ Phenobarbital, grains ¼ synergized with Poythress colloidal sulfur," with respect to the Sulfotone Tablets, and the statement "Tablets * * * Colloidal Sulphur * * * gr. 1" with respect to the Sulfotone Compound Tablets, borne on the bottle labels, were false and misleading since they represented that each tablet contained 1 grain of colloidal sulfur; whereas each tablet contained less than 1 grain of sulfur in colloidal or any other form.

On October 17, 1940, the case having come on for trial before the court and evidence having been adduced and arguments of counsel heard, the court entered judgment finding the defendant guilty and imposed a fine of $50 on all counts.

31126. Misbranding of Sulpho-Lythin preparations. U. S. v. 2 Bottles of Sulpho-Lythin (and 5 other seizure actions involving Sulpho-Lythin preparations). Default decrees of condemnation and destruction. (F. & D. Nos. 44298 to 44303, incl. Sample Nos. 13513-E to 13516-E, incl., 29110-D, 29170-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding their composition.

On December 2, 1938, the United States attorney for the Northern District of Georgia filed libels against 31 bottles of Sulpho-Lythin (powder), 5 bottles of Sulpho-Lythin (liquid), 4 bottles of Sulpho-Lythin with Salicylate of Strontium, and 5 bottles of Sulpho-Lythin with Hexamethylenamine, at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce within the period from on or about May 7 to on or about October 12, 1938, by the Laine Chemical Corporation from Long Island City, N. Y.; and charging that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the Sulpho-Lythin powder consisted essentially of sodium phosphate and sodium thiosulfate with relatively small proportions of sodium sulfate, sodium chloride, and a lithium compound; and that the Sulpho-Lythin liquid consisted essentially of sodium thiosulfate and water with relatively small proportions of sodium phosphate, sodium sulfate, sodium chloride, and a lithium compound.

Both products were alleged to be misbranded in that the designation "Sulpho-Lythin" was false and misleading as applied to an article of the composition of these products. They were alleged to be misbranded further in that the following statements appearing in the labeling regarding their curative or therapeutic effects were false and fraudulent: "Hepatic Stimulant Intestinal Antiseptic and Uric Acid Eliminant * * * Sulpho-Lythin is indicated in hepatic torpor, and all conditions arising from a functionally inactive or deranged liver such as Acid Toxemia, Auto Intoxication and Uric-Acid Excess. In correcting intestinal fermentation and eliminating toxins from the intestinal tract, it can be used instead of Calomel and is free from injurious action even if taken for extended periods. The continuous use of Sulpho-Lythin will keep the secretions of the mouth normally protective in uric acid conditions. * * * decidedly increases the action of the sluggish liver and kidneys. * * * There will be no bowel action following its administration until the liver responds." The Sulpho-Lythin liquid was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, "Sulpho-Lythin," since its composition was materially different from that of the product designated "Sulpho-Lythin."

Analysis showed that the Sulpho-Lythin with salicylate of strontium consisted essentially of strontium salicylate, sodium phosphate, sodium thiosulfate and relatively small proportions of sodium sulfate, sodium chloride, and a trace of a lithium compound. It was alleged to be misbranded in that the designation "Sulpho-Lythin with Salicylate of Strontium" was false and misleading as applied to a product of the composition of this article. It was alleged to be misbranded further in that the following statements in the labeling regarding its curative and therapeutic effects were false and fraudulent: "Acute or Chronic Rheumatic and Gouty Affections and conditions arising from Uric Acid Excess or Auto-toxemia. * * * Influenza, Grippe, Tonsillitis, Bronchial Catarrh and all Catarrhal affections that may be caused by or influenced by autointoxication. * * * In acute conditions two tablets may be given every hour (taken as a pill) until the symptoms subside, and the diet should be restricted. Then two to four tablets may be given twice or three times a day and continued as long as required. In chronic conditions, two to four tablets may be given twice or three times a day, half an hour before meals."

Analysis showed that the Sulpho-Lythin with hexamethylenamine consisted essentially of hexamethylenamine, sodium phosphate, sodium thiosulfate, and relatively small proportions of sodium sulfate, sodium chloride, and a lithium compound. It was alleged to be misbranded in that the statement "Sulpho-Lythin with Hexamethylenamine" was false and misleading as applied to a product of the composition of this article. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "Urinary and Biliary Antiseptic, Hepatic Stimulant and Intestinal Antiseptic. * * * (Biliary, Urinary and Intestinal Antiseptic.) Effective in arresting, preventing and counteracting bacterial invasion of the gall bladder. Hence it is indicated in Cholangitis, Cholecystitis and Cholelithiasis. Effective in the Acute or Chronic Inflammation of the Urinary tract, including Bladder and Kidneys. Effective in Typhoid Fever and in other conditions requiring an intestinal antiseptic."

On January 28, 1941, the Laine Chemical Corporation, claimant, having withdrawn its claim and answer, judgments of condemnation were entered and the products were ordered destroyed.

31127. Misbranding of Luseaux Germicidal Mist. U. S. v. 9 Gallon Bottles and 15 Quart Bottles of Luseaux Germicidal Mist. Default decree of condemnation and destruction. (F. & D. No. 45476. Sample No. 57070–D.)

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

On June 10, 1939, the United States attorney for the Western District of Washington filed a libel against 9 gallon bottles and 15 quart bottles of Luseaux Germicidal Mist at Bothell, Wash., alleging that the article had been shipped