The article was also charged with being adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30996, published under that act.

On January 30, 1940, pleas of guilty having been entered, the court imposed sentences for violation of both acts, the fines against each defendant on the counts charging violation of the Federal Food, Drug, and Cosmetic Act amounting to $700.

77. Misbranding of Cal-co-cin. U. S. v. George T. Lambert, David Periera, and George D. Lambert. Pleas of nolo contendere. Fines, $250. (F. D. C. No. 95. Sample Nos. 34424–D, 34642–D, 34644–D, 34703–D.)

This drug consisted of the calcium salts of benzoic acid and cinchophen. It would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, and suggested in the labeling, which directed the dosage of one capsule four times a day, after meals and on retiring.

On September 13, 1939, the United States attorney for the Eastern District of Pennsylvania filed an information against George T. Lambert, David Periera, and George D. Lambert, trading as the Crescent-Kelvan Co., a business trust, Philadelphia, Pa., alleging shipment by said defendants within the period from on or about July 28 to on or about October 20, 1938, from the State of Pennsylvania into the State of Maryland of quantities of Cal-co-cin, which was misbranded in violation of the Federal Food, Drug, and Cosmetic Act for the reasons stated above.

The information also charged that the article was misbranded in violation of the Food and Drugs Act of 1906 reported in notice of judgment No. 30202 published under that act.

On December 8, 1939, pleas of nolo contendere were entered on behalf of the defendants. On January 5, 1940, the court imposed fines amounting to $250 for violation of both acts.

78. Misbranding of Sodasal. U. S. v. Harry Enkel (Sodasal Laboratories). Plea of guilty. Sentence 1 year. Sentence suspended and defendant placed on probation for 3 years. Fine of $100 also imposed. (F. D. C. No. 96. Sample Nos. 42944–D, 42971–D, 43181–D, 52224–D.)

This product contained aminopyrine, sodium salicylate, compounds of potassium, magnesium, and calcium, and citrates, carbonates, sugar, and water. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, and suggested in the labeling, which directed that 1 tablespoonful or 4 teaspoonfuls be taken in water, milk, or orange juice, followed by a full glass of water or milk three times a day before or after meals or on retiring, and that the dose be cut down "if the ears ring or if allergic."

On November 14, 1939, the United States attorney for the Eastern District of Michigan filed an information against Harry Enkel, trading as the Sodasal Laboratories, Detroit, Mich., alleging shipment by said defendant within the period from on or about January 14 to on or about March 4, 1939, from the State of Michigan into the State of Pennsylvania of quantities of Sodasal which was misbranded for the reasons stated above.

The information also charged that the article was misbranded in violation of the Food and Drugs Act of 1906 reported in notice of judgment No. 30977 published under that act.

On December 4, 1939, a plea of guilty having been entered, the court sentenced the defendant to 1 year's imprisonment and imposed a fine of $100 for violation of both acts. Prison sentence was suspended and the defendant was placed on probation for 3 years.

79. Misbranding of Hartshorn's Headache Powders. U. S. v. 89 Packages of Hartshorn's Headache Powders. Default decree of condemnation and destruction. (F. D. C. No. 618. Sample No. 69095–D.)

This product consisted essentially of acetanilid, caffeine, sodium bicarbonate, and flavoring materials. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in its labeling, which bore directions that 1 powder be taken, to be repeated in 20 to 30 minutes if necessary for simple headache; that 1 powder should be taken every 2 or 3 hours as required for simple neuralgia and acute rheumatic fever; that 1 powder be taken on retiring, to be repeated in 1 hour if sleep is not produced, for sleeplessness and nervousness; that 1 powder be taken and repeated in 1 hour, and 1 powder after 2 or 3 hours, for colds, and that not more than 3 powders should be taken during a period of 3 hours.

On September 23, 1939, the United States attorney for the District of Maine filed a libel against 39 packages of Hartshorn's Headache Powders at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about July 22, 1939, by E. Hartshorn & Sons, Inc., from Northampton, Mass.; and charging that it was misbranded.

On October 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

80. Misbranding of Cephalgine Tablets. U. S. v. 30 Packages of Cephalgine Tablets. Default decree of condemnation and destruction. (F. D. C. No. 460. Sample No. 69431-D.)

This product consisted essentially of acetanilid, caffeine, and camphor. It would be dangerous to health when used as recommended, and its labeling failed to reveal the consequences which might result from its use. Its labeling was further objectionable because of false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On August 28, 1939, the United States attorney for the District of New Hampshire filed a libel against 30 packages of Cephalgine Tablets at Concord, N. H., alleging that the article had been shipped in interstate commerce on or about March 28 and April 20, 1939, by the Cephalgine Co. from Spencer, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which recommended that a dose of one or two tablets be taken; that two more might be taken in 1 hour if needed or that two tablets might be taken every 3 or 4 hours and that, between the ages of 5 and 10, half the above dose should be administered; and because of failure of the labeling to bear warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users. It was alleged to be misbranded further in that statements in the labeling in which it was recommended as a relief of pain and discomfort due to simple headaches, neuralgia, and muscular aches and pains and in which it was represented that frequent use did not require an increase in the dose; that it contained no habit-forming drug or narcotic were false and misleading, since it was not a safe remedy for the conditions mentioned, and the said statements encouraged the user to take the preparation frequently and misled the user to believe that it might be taken with safety; whereas it contained a dangerous drug, acetanilid.

On October 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

81. Misbranding of Bromo-Seltzer. U. S. v. 168 Dozen Small Size, 102 Dozen Medium Size, 171 Dozen Large Size, 33 Dozen Extra Large Size, and 115 Dozen Dispensing Size of Emerson's Bromo Seltzer (and 7 other seizure actions instituted against Bromo Seltzer). Motion filed by claimant for consolidation and removal. Motion for consolidation granted. Motion for removal denied. Cases consolidated under one libel captioned U. S. v. 376 Dozen Small Size, et al. Emerson's Bromo-Seltzer. Consent decree of condemnation. Product ordered released under bond for salvaging the citric acid and the containers. (F. D. C. Nos. 184, 185, 186, 188, 189, 190, 191, 192, 195, 196. Sample Nos. 44847-D, 44848-D, 44861-D, 44862-D, 45051-D to 45057-D, incl., 45395-D to 45400-D, incl., 45501-D to 45514-D, incl., 59378-D, 59379-D, 59380-D, 59909-D to 59914-D, incl., 60061-D to 60071-D, incl., 60101-D, 60102-D.)

This product contained acetanilid, sodium bromide, and caffeine incorporated in an effervescing mixture. Seizure action was instituted on the charges that it was dangerous to health when used as directed in the labeling, and that its labeling failed to reveal facts material with respect to consequences which might result from its use.

On March 7, 8, and 10, 1939, the United States attorneys for the Southern District of New York, Northern District of Georgia, Eastern District of Tennessee, and the Middle District of North Carolina filed libels against a total of 1,116⅔ dozen small size, 798⅔ dozen medium size, 485¾ dozen large size, 101¾ dozen extra large size, 188¾ dozen dispensing size packages, and 20 cards, each bearing a number of individual dose tubes of Bromo Seltzer, in various lots at New York N. Y.; Atlanta, Ga.; Knoxville, Tenn.; and Greensboro, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about October 31, 1938, to on or about March 8,