On July 22, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against the above-named product at Pittsburgh, Pa., alleging that the article had been shipped on or about October 28, 1940, by the Vinco Herb Co. from Dayton, Ohio; and charging that it was misbranded.

Analysis showed that the article consisted essentially of aloe and extracts of plant drugs including capsicum and an emodin-bearing drug. The tablets in the small packages occupied 26 percent of their capacity and the tablets in the large packages occupied 42½ percent of their capacity.

The article in both sized packages was alleged to be misbranded (1) in that the labeling failed to bear adequate directions for use since the directions provided for taking the tablets over a period of 10 days, whereas a laxative should be taken only occasionally; (2) in that the labeling failed to bear adequate warnings against use by young children where its use might be dangerous to health or against unsafe dosage or duration of administration as are necessary for the protection of users since the product was essentially a laxative and there was no warning that frequent or continued use might result in dependence on laxatives; (3) in that statements in the labeling representing that it was an appropriate treatment for coated tongue, flatulence, sour stomach, simple headache, acid indigestion, listlessness, lazy feeling, bad breath, sluggishness, dull eyes, and sallow skin and that it would make life happy and enjoyable and would provide a clean, healthy condition of the mind and body, were false and misleading since it was a laxative and the various disease conditions for which it was recommended may be due to causes other than constipation; and (4) in that its containers were so made, formed, or filled as to be misleading.

The product in the small packages was alleged to be misbranded further (1) in that the name and address of the manufacturer, the declaration of the quantity of the contents, and the statement of the ingredients required by or under authority of law to appear on the labeling were not placed on the label with such conspicuousness and in such terms as to make them likely to be read by the ordinary individual under customary conditions of purchase and use since all these statements appeared on the bottom of the box; and (2) in that certain statements appeared in several foreign languages upon the box and certain statements and other information required by or under authority of law did not appear on the box in these foreign languages.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

620. Misbranding of quinine sulfate. U. S. v. 1,056 Bottles of Quinine Sulfate. Default decree of condemnation and destruction. (F. D. C. No. 4398. Sample No. 50227-E.)

The labeling of this product failed to bear adequate directions for use, and its containers were filled only to approximately one-half of their capacity.

On April 19, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 1,056 bottles of quinine sulfate at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about March 29, 1941, by the Carroll Chemical Corporation from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: "National Brand Quinine Sulphate * * * ¼₄ Oz."

The article was alleged to be misbranded in that the labeling did not bear adequate directions for use; and in that its container was so made, formed, or filled as to be misleading.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO COMPLY WITH OFFICIAL OR OWN STANDARDS

621. Adulteration and misbranding of Russian oil and citrate of magnesia. U. S. v. James J. Kaplan (Diamond Drug & Magnesia Co.). Plea of guilty. Fine, $30. (F. D. C. No. 2841. Sample Nos. 87090-D, 2247-E, 2261-E.)

The mineral oil was represented to be U. S. P. mineral oil, i. e., heavy mineral oil; whereas it was light mineral oil. The citrate of magnesia contained less magnesium citrate and less citric acid than the amounts specified by the United States Pharmacopoeia.

On October 28, 1940, the United States attorney for the District of Massachusetts filed an information against James J. Kaplan, trading as the Diamond

Drug & Magnesia Co., Boston, Mass., alleging shipment on or about January 20, February 20, and April 4, 1940, from the State of Massachusetts into the States of Rhode Island and New Hampshire of quantities of the above-named products which were adulterated and misbranded. The articles were labeled in part: "Genuine * * * Russian Oil Type U. S. P. Mineral Oil * * * General Drug & Oil Co., Inc."; and "Peerless Effervescing Solution of Citrate of Magnesia U. S. P. * * * Distributed by General Drug & Oil Co., Boston, Mass."

The Russian oil was alleged to be adulterated in that it purported to be or was represented as a drug which is recognized in the United States Pharmacopoeia, under the names "Liquid Petrolatum" and "White Mineral Oil", but its strength differed from and its quality fell below the standard set forth in such compendium, since the specific gravity of samples taken from the two shipments was 0.8471 and 0.8479, respectively, at 25° C., and the kinematic viscosity of said samples was 0.173 and 0.1745 at 37.8° C., whereas the pharmacopoeia specifies that the specific gravity of liquid petrolatum or white mineral oil shall be not less than 0.860 at 25° C., and that its kinematic viscosity shall be not less than 0.381 at 37.8° C., and the respect in which the strength or quality of the article differed from the standard set forth in said compendium was not plainly stated on the label. It was alleged to be misbranded (1) in that the statements "Genuine Russian Oil," "U. S. P. Mineral Oil," and "Pure Russian Oil," together with the design showing a facsimile of the former Russian emblem, borne on the bottle label, were false and misleading, since they represented that it consisted of Russian oil, namely, liquid petrolatum or white mineral oil; whereas it did not so consist, but did consist of light liquid petrolatum (or light white mineral oil); and (2) in that it was light liquid petrolatum or light white mineral oil and was offered for sale and sold under the name of another drug.

The citrate of magnesia was alleged to be adulterated in that it purported to be or was represented as a drug which is recognized in the United States Pharmacopoeia under the names "Liquor Magnesia Citratis" and "Solution of Citrate of Magnesia," but its strength differed from and its quality fell below the standard set forth in that compendium, since it contained in each 100 cubic centimeters an amount of magnesium citrate corresponding to not more than 1.53 grams of magnesium oxide and 10 cc. of the article contained citric acid equivalent to not more than 24.18 cc. of half-normal hydrochloric acid; whereas the pharmacopoeia specifies that solution of citrate of magnesium shall contain in each 100 cc. an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide, and that 10 cc. of the solution shall contain citric acid equivalent to 26 cc. of half-normal hydrochloric acid, and the difference in strength and quality from such standard was not plainly stated on the label. It was alleged to be misbranded in that the statements "Solution of Citrate of Magnesia U. S. P." and "Liquor Magnesia Citratis," borne on the bottle label, were false and misleading, since they represented that it consisted of solution of magnesium citrate or liquor magnesii citratis as defined by the United States Pharmacopoeia, whereas it did not so consist.

On April 7, 1942, the defendant entered a plea of guilty and the court imposed a fine of $30.

622. Adulteration and misbranding of carbon dioxide and oxygen mixture and compressed oxygen gas. U. S. v. Wall Chemicals Corporation. Plea of guilty. Fine, $120. (F. D. C. No. 5519. Sample Nos. 27568–E, 27965–E, 39616–E.)

The strength of these products differed from and their purity and quality fell below that which they were labeled as possessing.

On December 4, 1941, the United States attorney for the Northern District of Illinois filed an information against the Wall Chemicals Corporation, Chicago, Ill., alleging shipment on or about April 10, September 7, and October 22, 1940, from the State of Illinois into the States of Indiana and Missouri of quantities of carbon dioxide and oxygen mixture and of a quantity of compressed oxygen gas.

The carbon dioxide and oxygen mixture was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess in that the drug in one shipment was represented to contain 10 percent of carbon dioxide and that in the other shipment was represented to contain 5 percent of carbon dioxide; whereas the former contained not more than 7 percent and the latter not more than 2.6 percent of carbon dioxide.