The compressed oxygen gas was alleged to be adulterated in that its strength differed from and its purity and quality fell below that which it was represented to possess in that it was represented to contain 7 percent of carbon dioxide; whereas it contained not more than 3.4 percent of carbon dioxide.

The carbon dioxide and oxygen mixture was alleged to be misbranded in that the statements "10% Carbon Dioxide" and "5% Carbon Dioxide", borne on the respective labels, were false and misleading since the article contained less carbon dioxide than so represented.

The compressed oxygen gas was alleged to be misbranded in that the statement "CO_2—7%," borne on the cylinder, was false and misleading since it contained less than 7 percent, namely, not more than 3.4 percent of carbon dioxide. It was alleged to be misbranded further in that the statement "Oxygen Gas," borne on the tags attached to the cylinder, was false and misleading since it represented and suggested that the article consisted wholly of oxygen gas, whereas it did not consist wholly of oxygen gas but did consist of a mixture of oxygen and carbon dioxide gases. It was alleged to be misbranded further in that it was in package form, and its label failed to bear an accurate statement of the quantity of the contents in terms of weight or measure.

On December 31, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $120 and costs.

623. Adulteration and misbranding of Vaxamine. U. S. v. 73 Vials of Vaxamine. Default decree of condemnation and destruction. (F. D. C. No. 5637. Sample No. 23105–E.)

This article was contaminated with aerobic sporeforming and nonsporeforming micro-organisms and molds.

On September 8, 1941, the United States attorney for the Northern District of California filed a libel against 73 vials of Vaxamine at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 6, 1941, by the Intra Products Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "20 cc. Intramuscular Intravenous Intradermal Solution Vaxamine Single Strength For Non-Specific Therapy."

The article was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, since it contained living micro-organisms and therefore was not of a sufficiently high standard of purity or quality to be suitable for intramuscular, intravenous, and intradermal administration. It was alleged to be misbranded in that the statement "Intramuscular Intravenous Intradermal Solution" was false and misleading as applied to an article contaminated with living micro-organisms.

On October 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

624. Adulteration and misbranding of Mackenzol. U. S. v. 25 Bottles of Mackenzol. Default decree of condemnation and destruction. (F. D. C. No. 4976. Sample No. 11177–E.)

This product was not an antiseptic and germicide as represented. Its labeling bore false and misleading curative and therapeutic claims, and the bottle label did not bear a declaration of the quantity of the contents.

On June 24, 1941, the United States attorney for the Western District of Texas filed a libel against 25 bottles of Mackenzol at San Antonio, Tex., which had been consigned by R. and F. Schweickhardt, alleging that the article had been shipped on or about January 16, 1941, from St. Louis, Mo.; and charging that it was adulterated and misbranded.

Analysis showed that the article was a viscous liquid containing chiefly mineral oil and small amounts of volatile oils, including eucalyptol, thymol, methyl salicylate, and guaiacol compound and benzoic acid compound. Bacteriological examination showed that it was not an antiseptic.

The article was alleged to be adulterated in that its strength differed from that which it purported to possess, namely, "Antiseptic and Germicidal Compound," since it was not an antiseptic.

It was alleged to be misbranded in that representations in the labeling that it was an antiseptic and germicide; that it was guaranteed under the Food and Drugs Act; that it was antagonistic to all pathogenic organisms, and was healing; that it was efficacious in the treatment of chronic laryngitis due to tuberculosis in chronic bronchitis, acute and chronic nasal catarrh, especially where there was great discharge; that it was of much value in the treatment of

ulcerations and inflammation of the nose and throat, and possessed true healing virtues after the application of an aqueous alkaline or boric acid wash or douche; and that it was the best antiseptic for consumption, catarrh, cough, sore throat, burns, scalds, piles, leucorrhea, uterine affections, eczema, and all disorders of the skin; were false and misleading since it was not an antiseptic and germicide and would not be efficacious for the purposes recommended.

On November 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

625. Adulteration of ether. U. S. v. 83 Cans of Ether for Anesthesia. Default decree of condemnation and destruction. (F. D. C. No. 5641. Sample No. 43555-E.)

Analysis of this product showed the presence of aldehydes and ketones in 2 of the 10 cans examined.

On September 8, 1941, the United States attorney for the Western District of Oklahoma filed a libel against 83 cans of ether at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about March 13, 1940, by Mallinckrodt Chemical Works from St. Louis, Mo.; and charging that it was adulterated in that it purported to be or was represented as a drug, the name of which is recognized in the United States Pharmacopoeia and its quality and purity fell below the standard set forth in the pharmacopeia since it is specified under tests for purity therein that ether shall be free from aldehydes and ketones.

On October 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

626. Adulteration and misbranding of thyroid powder. U. S. v. 15 Pounds of Thyroid Powder. Consent decree of condemnation and destruction. (F. D. C. No. 5942. Sample No. 65865-E.)

This product fell below the minimum potency required by the United States Pharmacopoeia, since it contained not more than 0.134 percent of iodine in thyroid combination; whereas the pharmacopoeia provides that thyroid contain not less than 0.17 percent of iodine in thyroid combination.

On October 4, 1941, the United States attorney for the District of Columbia filed a libel against 15 pounds of thyroid powder at Denver, Colo., which had been consigned by the H. H. Johnston Laboratories, alleging that the article had been shipped in interstate commerce on or about August 18, 1941, from Hollywood, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "H. H. Johnston Laboratories * * * Thyroid Powder U. S. P. XI."

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia and its strength differed from the standard set forth in the pharmacopoeia. It was alleged to be misbranded in that the designation "Thyroid Powder U. S. P. XI," borne on the container, was false and misleading.

On October 17, 1941, the H. H. Johnston Laboratories having filed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS

627. Adulteration and misbranding of Dean's Vitamin Concentrate Capsules. U. S. v. 8 Dozen Retail Cartons of Dean's Vitamin Concentrate Capsules. Default decree of condemnation and destruction. (F. D. C. No. 5962. Sample No. 42956-E.)

This product was labeled as containing 1,000 units of vitamin D per capsule and was also labeled to indicate that it contained a substantial amount of vitamin G (B_2); whereas it contained not more than 800 units of vitamin D and but an inconsequential amount of vitamin G (B_2), namely, approximately one-eightieth of the minimum daily requirement.

On October 7, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 8 dozen cartons, each containing 25 dozen capsules, of the above-named product at Pittsburgh, Pa., alleging that it had been shipped in interstate commerce on or about April 18, 1941, by the Purity Drug Co., Inc., from Passaic, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to