

of Ohio into the State of Kentucky of a quantity of W. K. Sterline's Compound which was adulterated and misbranded.

Analysis of a sample of the article showed that it contained 15.25 grains of potassium iodide and 14.46 grains of sodium bromide per fluid ounce. (It contained 5.56 percent of alcohol by volume.)

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess in that the statements on the label, "Potassium Iodide 7.59 gr., Sodium Bromide 7.59 gr. * * * to each fluid ounce," represented and suggested that it contained not more than 7.59 grains of potassium iodide and not more than 7.59 grains of sodium bromide to each fluid ounce, whereas it contained 15.25 grains of potassium iodide and 14.46 grains of sodium bromide to each fluid ounce.

It was alleged to be misbranded (1) in that its label failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage in such manner and form as are necessary for the protection of users since, because of the presence of potassium iodide, it should not be used in cases of lung disease, chronic cough, or goiter, and its use should be discontinued in the event a skin rash should appear; frequent or continued use might lead to mental derangement, skin eruptions, or other serious effects; and, because of the presence of sodium bromide, it should not be used by those suffering from kidney disease; (2) in that its labeling failed to bear adequate directions for use since the labeling failed to state that it should not be administered to children under 6 years of age; and (3) in that the statements, "Alcohol 10 Per Cent to each Fl. Oz.," and "Potassium Iodide 7.59 gr., Sodium Bromide 7.59 gr. * * * to each fluid ounce," were false and misleading since the article contained not more than 5.56 percent of alcohol, and contained 15.25 grains of potassium iodide and 14.46 grains of sodium bromide per fluid ounce.

On July 13, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$350 on each of the 2 counts but suspended payment of \$300 on each count, making the total fine paid \$100.

807. Adulteration and misbranding of Howell's Cocoa & Quinine Syrup, Howell's Antiseptic Healing Oil, and Howell's Blue Label Cough Syrup, and misbranding of Howell's Epsom Salt, Hi-Qual Quinine Sulphate, and Howell's Hi-Qual Balm. U. S. v. The Howell Company, Inc. Plea of nolo contendere. Fine, \$90. (F. D. C. No. 7264. Sample Nos. 9079-E, 9080-E, 35065-E, 35066-E, 35068-E, 35685-E.)

The labeling of the Healing Oil failed to bear adequate warning statements and bore false and misleading statements regarding its curative, therapeutic, and antiseptic properties. The product also contained carbolic acid in excess of the amount claimed. The labeling of the Epsom salt failed to bear adequate directions for use and adequate warning statements. The Cocoa and Quinine Syrup was deficient in quinine sulfate. The Cough Syrup was deficient in chloroform. The bottles of quinine sulfate contained less than the labeled amount. The labeling of the Hi-Qual Balm bore false and misleading curative and therapeutic claims.

On July 9, 1942, the United States attorney for the Eastern District of Louisiana filed an information against the Howell Co., Inc., New Orleans, La., alleging shipment, within the period from on or about February 21, 1940, to on or about January 6, 1941, from the State of Louisiana into the States of Texas, Alabama, and Mississippi of quantities of the above-named drugs which were misbranded and portions of which were also adulterated.

Analysis of a sample of the Healing Oil showed that it consisted essentially of an oil containing camphor and 2.4 percent of phenol; tests showed that it was not antiseptic when used as directed. It was alleged to be adulterated (1) in that its strength differed from that which it purported and was represented to possess, since it was represented to contain 2 percent of carbolic acid, whereas it contained not less than 2.4 percent; and (2) in that its strength differed from and its quality fell below that which it purported to and was represented to possess, since it was represented to be an antiseptic but it was not an antiseptic.

The Healing Oil was alleged to be misbranded (1) in that its labeling failed to bear a warning that a bandage should not be used when the article was applied to fingers and toes, and that it should be applied according to directions and in no case to large areas of the body; (2) in that the statement, "2% Carbolic Acid," borne on the bottles and some of the cartons, and the statement, "Antiseptic," borne on the bottles and cartons, were false and misleading since the article contained more than 2 percent of carbolic acid, and it was not

an antiseptic; and (3) in that statements on the cartons containing a portion of the bottles that the article would be efficacious to relieve pain and soreness in carbuncles, erysipelas, boils, and itch, and would be efficacious in the treatment of ulcers, old sores, and skin eruptions, and statements on the cartons containing the remainder of the bottles that it would be efficacious in the treatment of piles and open sores, were false and misleading since the article would not be efficacious for such purposes.

The Epsom salt was alleged to be misbranded (1) in that its label failed to bear adequate directions for use since the label bore no directions for use; and (2) in that it was a cathartic and its label did not bear a warning that it should not be used when abdominal pain, nausea, vomiting or other symptoms of appendicitis are present, and that frequent or continued use might result in dependence on laxatives.

The Cocoa and Quinine Syrup was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess since it was represented to contain 2 grains of quinine sulfate per teaspoonful, but it contained not more than 1.65 grains of quinine sulfate per teaspoonful. It was alleged to be misbranded in that the statement, "Quinine Sulphate 2 Gr. per Teaspoonful," borne on the bottle label was false and misleading.

Analysis of a sample of the Cough Syrup showed that it consisted of a dark brown syrupy liquid containing 0.35 minim of chloroform per fluid ounce. It was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess, since it was represented to contain 3 minims of chloroform per fluid ounce, whereas it contained not more than 0.35 minimum of chloroform per fluid ounce. It was alleged to be misbranded in that the statement, "Chloroform 3 Min. per Fl. Oz." borne on the cartons and bottle labels was false and misleading.

The quinine sulfate was alleged to be misbranded in that the statement, "Quinine Sulphate 15 Grains," borne on the label of the bottle containing the article was false and misleading since the bottles contained quinine sulfate in amounts varying from 8.61 to 13.36 grains.

Analysis of a sample of the Hi-Qual Balm showed that it consisted of a mixture of oil of peppermint, oil of eucalyptus, camphor, menthol, and ephedrine in a petrolatum base. It was alleged to be misbranded in that the statements in the labeling which represented and suggested that it was efficacious in the treatment of head colds, croup, and piles were false and misleading since it was not efficacious for such purposes.

On July 22, 1942, a plea of nolo contendere having entered on behalf of the defendant, the court imposed a fine of \$90.

808. Misbranding of Hillys "H-R 5." U. S. v. Morris William Hillinger (Hilly Medicinal Products). Plea of nolo contendere. Fine, \$10. (F. D. C. No. 7268. Sample No. 55722-E.)

On June 11, 1942, the United States attorney for the Southern District of California filed an information against Morris William Hillinger, trading as Hilly Medicinal Products at Pasadena, Calif., alleging shipment on or about October 7, 1940, from the State of California into the State of Oregon of a quantity of Hillys "H-R 5" which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of small proportions of an ephedrine salt, caffeine, sodium phosphate, reducing sugars, and water, and was colored with caramel.

The article was alleged to be misbranded (1) in that it contained 0.31 grain of ephedrine hydrochloride per fluid ounce but its label failed to warn that frequent or continued use might cause nervousness, restlessness, or sleeplessness, and that individuals suffering from high blood pressure, heart disease, diabetes, or thyroid trouble should not use such drug except on competent advice; and (2) in that certain statements in the labeling were false and misleading since they represented and suggested that the article would be efficacious for use after over-indulgence in alcohol; would be efficacious in the treatment of hang-overs; would help establish sobriety and would be efficacious in the cure, mitigation, treatment or prevention of alcoholism, whereas it would not be efficacious for such purposes.

On July 20, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$10.