

below the standard set forth therein, since the Formulary provides that vegetable drugs are to be as free from molds as practicable. The other articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of rodent excreta and bird excreta in the elderberries, and rodent excreta in the peach tree leaves.

The articles were alleged to be further adulterated in that they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

On June 5, 1944, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1311. Adulteration of cough drops. U. S. v. 498 Cartons of Cough Drops (and 1 other seizure action against cough drops). Default decrees of condemnation and destruction. (F. D. C. Nos. 12476, 12630. Sample Nos. 40524-F, 40525-F, 71248-F.)

On or about June 5 and 6, 1944, the United States attorneys for the District of Oregon and the Northern District of Iowa filed libels against 498 cartons, each containing 40 packages, of cough drops at Portland, Oreg., and 9 cartons, each containing 12 packages, and 8 boxes, each containing 12 cartons of 12 packages each, of cough drops at Waterloo, Iowa, alleging that the article had been shipped between the approximate dates of February 16 and April 27, 1944, by the Ernest E. Johnson Co., from Minneapolis, Minn. The article was labeled in part: "Brystsukker Cough Drops," "Johnson's Extra Strong Horehound Drops," or "Brystsukker Danish Style Cough Drops."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of rodent and cat hairs, rodent excreta, and insect fragments; and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On July 6 and 10, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

1312. Adulteration and misbranding of ampuls of Na-Iodide, sodium salicylate iodide with colchicine, sodium phenobarbital, and Najodyl. U. S. v. Solex Laboratories, Inc. Plea of guilty. Fine, \$500 on 1 count; sentence suspended on 7 counts. (F. D. C. No. 11344. Sample Nos. 19029-F, 23415-F, 44655-F, 44658-F.)

On August 23, 1944, the United States attorney for the Southern District of New York filed an information against the Solex Laboratories, Inc., New York, N. Y., alleging shipment from the State of New York into the States of New Jersey and Pennsylvania of a quantity of the above-named products between the approximate dates of October 31, 1942, and May 28, 1943.

The Na-Iodide was alleged to be adulterated in that its strength differed from that which it was represented to possess, since it was represented on the carton and ampuls as containing 2 percent of sodium iodide, but it contained not more than 1.71 percent of sodium iodide. The article was alleged to be misbranded in that the statement on the labeling, "Sodium Iodide 2%," was false and misleading.

The sodium salicylate iodide with colchicine was alleged to be adulterated in that it purported to be and was represented as a drug the name of which, "Ampuls of Sodium Salicylate and Iodide with Colchicine," is recognized in the National Formulary, an official compendium, but its strength differed from the official standard in that the Formulary provides that ampuls of sodium salicylate and iodide with colchicine shall yield anhydrous sodium salicylate equal to not less than 93 percent of the labeled amount, whereas the article yielded anhydrous sodium salicylate equal to not more than 88.3 percent of the labeled amount, and its difference in strength from the standard was not plainly stated on the label. The article was alleged to be misbranded in that the statement "Sodium Salicylate * * * (15½ grs.)," on the ampuls containing the article, was false and misleading since the ampuls contained not more than 13.7 grains of sodium salicylate.

The sodium phenobarbital was alleged to be adulterated in that its strength differed from that which it was represented to possess, since it was represented on the carton and ampul labels as containing, in each ampul, .12

*See also Nos. 1302, 1303, 1310.

gram, equivalent to 2 grains of sodium phenobarbital, whereas it contained not more than .10 gram, equivalent to 1.67 grains of sodium phenobarbital. The article was alleged to be misbranded in that the statement "Sodium Phenobarbital .12 Gm. (2 grs.)," on the carton containing the ampuls, and the statement "2 grs. (.12 Gm.)," on the labels affixed to the ampuls, were false and misleading.

The Najodyl was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, since it was represented on the carton and ampuls as containing 1 percent of sodium sulfate, but it contained not less than 1.81 percent of sodium sulfate. The article was alleged to be misbranded in that the statement "Sodium Sulfate 1%," on the labeling, was false and misleading.

On September 7, 1944, the defendant having entered a plea of guilty, the court imposed a fine of \$500 on count 1, and suspended imposition of sentence on the remaining 7 counts.

1313. Adulteration and misbranding of Sumlakia. U. S. v. Otto Kalmus (The Sumlak Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 10559. Sample No. 8883-F.)

On April 7, 1944, the United States attorney for the Southern District of Ohio filed an information against Otto Kalmus, an individual trading as the Sumlak Co., Cincinnati, Ohio, alleging shipment of a quantity of Sumlakia on or about November 25, 1942, from the State of Ohio into the State of Louisiana.

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess, since each teaspoonful of the article contained 10.18 grains of combined bromides, including 1.97 grains of strontium bromide, 2.01 grains of ammonium bromide, 1.96 grains of potassium bromide, and 3.93 grains of sodium bromide, which were in excess of the amounts declared, and 0.18 grain of calcium bromide and 0.13 grain of lithium bromide, which were less than the amounts declared.

The article was alleged to be misbranded (1) in that the statements on its labels, "Each teaspoonful contains approx. 8 Grains of the Six Combined Bromides of Strontium 1.80 gr., Ammonium 1.80 gr., Potassium 1.80 gr., Sodium 1.80 gr., Calcium 0.60 gr., Lithium 0.20 gr.," were false and misleading; and (2) because of false and misleading statements on its labels which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of functional nervous disturbances and hysterical conditions due to nervousness.

On November 17, 1944, the defendant entered a plea of guilty and was sentenced to pay a fine of \$100 on each of 2 counts, a total fine of \$200.

1314. Adulteration and misbranding of Hypno-Sedative. U. S. v. Brewer & Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 12568. Sample No. 51349-F.)

On September 27, 1944, the United States attorney for the District of Massachusetts filed an information against Brewer & Co., Inc., Worcester, Mass., alleging shipment of a quantity of the above-named product on or about September 20, 1943, from the State of Massachusetts into the State of Rhode Island.

The article was alleged to be adulterated in that it purported and was represented to be compounded from chloral hydrate, potassium bromide, and extract of Hyoscyamus, whereas potassium iodide had been substituted in whole or in part for potassium bromide in compounding the article.

The article was alleged to be misbranded (1) in that the statement on its label, "Each fluid ounce contains * * * Potassium Bromide 96 grs.," was false and misleading since the article contained little, if any, potassium bromide, but did contain approximately 96 grains of potassium iodide in each fluid ounce; and (2) in that its label failed to bear the common or usual name of each active ingredient since it failed to declare the presence of potassium iodide in the article.

On November 29, 1944, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

1315. Adulteration and misbranding of calcium gluconate. U. S. v. 40 Dozen Cartons of Calcium Gluconate. Default decree of condemnation and destruction. (F. D. C. No. 11136. Sample No. 58440-F.)

On November 20, 1943, the United States attorney for the Northern District of California filed a libel against 40 dozen cartons, each containing