The Broncotol 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 its label as containing ½ grain of codeine phosphate per fluid ounce, whereas it contained 0.651 grain of codeine phosphate per fluid ounce. It was alleged to be misbranded in that the label statement, "Each fluid ounce contains Codeine Phosphate ½ grain," was false and misleading.

The tincture of nux vomica was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from the official standard since the Pharmacopoeia provides that "Tincture of Nux Vomica yields from each 100 cc., * * * not more than 0.125 Gm. of strychnine," whereas the article yielded from each 100 cc. not less than 0.135 gram of strychnine; and its difference in strength from the standard was not plainly stated, or stated at all, on its label. The article was alleged to be misbranded in that the label statement, "Tincture Nux Vomica * * * U. S. P. * * * Each 100 cc. contains not * * * more than 0.125 Gm. of Strychnine," was false and misleading.

On March 16, 1945, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250 on each of 4 counts of the information, a total fine of $1,000, plus costs.

1459. Adulteration and misbranding of thiamine chloride tablets. U. S. v. William S. McClymonds (Western Research Laboratories). Plea of nolo contendere. Fine, $50. (F. D. C. No. 14231. Sample Nos. 6555–F, 36500–F.)

On January 22, 1945, the United States attorney for the District of Colorado filed an information against William S. McClymonds, trading as the Western Research Laboratories, Denver, Colo., alleging shipment of a quantity of thiamine chloride tablets on or about August 28 and November 20, 1943, from the State of Colorado into the States of Wyoming and Utah.

The article was alleged to be adulterated in that it purported to be and was represented as "Thiamine-Chloride Tablets," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, but its strength differed from and its quality fell below the official standard since the Pharmacopoeia requires that thiamine chloride tablets shall contain not less than 95 percent of the labeled amount of thiamine chloride, whereas the article contained, in the case of one lot, not more than 60 percent and, in the case of the remaining lot, not more than 73 percent of the labeled amount of thiamine chloride. The article was alleged to be misbranded in that the statements on its labels, "Tablets Thiamin Chloride 5 mgm. [or "10 mgm."]," were false and misleading since the article contained smaller amounts of thiamine chloride than was represented."

The information also alleged that two other products, pyridamide tablets and thiamine chloride solution, were adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 8086.

On February 3, 1945, the defendant having entered a plea of nolo contendere, the court imposed a fine of $5 on each of the 10 counts of the information.

1460. Adulteration and misbranding of Brewer Vitamin Concentrate Capsules. U. S. v. 97 Boxes and 104 Boxes of Vitamin Capsules. Decree of condemnation and destruction. (F. D. C. No. 6092. Sample No. 75735–E.)

On October 27, 1941, the United States attorney for the District of Maine filed a libel against 97 boxes, each containing 100 capsules, and 104 boxes, each containing 50 capsules, of vitamins at Waterville, Maine, alleging that the article had been shipped on or about April 16, 1941, by Brewer & Co., Inc., from Worcester, Mass. The article was labeled in part: "Brewer Vitamin Concentrate Capsules Containing Vitamins A-B-D-G."

A vitamin assay of a sample showed that the article contained not more than 700 U. S. P. units of vitamin D per capsule.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess: "Vitamin D 1,000 units U. S. P. XI."

The article was alleged to be misbranded (1) in that the statement on its label, "Vitamin D 1,000 units U. S. P. XI," was false; and (2) in that the conspicuous declaration on the main display panel, "Containing vitamins * * * G," was misleading in view of the fact that the article, when taken according to the directions, "Average daily Dose 1 to 3 capsules," would furnish not more than 8 percent of the minimum daily requirement for vitamin G.