

DISPOSITION: April 29, 1954. The defendants having entered pleas of guilty, the court fined Defendant Suydam \$750 and Defendant Gordon \$150. Defendant Suydam also was sentenced to 6 months in jail and Defendant Gordon to 3 months, but both jail sentences were suspended and Defendant Suydam was placed on probation for 6 months and Defendant Gordon for 3 months.

4352. Adulteration and misbranding of Neo-Lifo B-12 and Livo-12-Crude. U. S. v. American Bio-Chemical Corp., Abraham Rothenberg, and Vincent M. Leuterio (indictment). U. S. v. Al G. Johns (information). Pleas of guilty. Fine of \$400 against corporation and \$50 against each individual. (F. D. C. No. 33769. Sample Nos. 33249-L, 42312-L, 53016-L.)

INDICTMENT RETURNED: Between August 12 and October 1, 1953, Southern District of California, against the American Bio-Chemical Corp., Los Angeles, Calif., Abraham Rothenberg, production manager of the corporation, and Vincent M. Leuterio, bacteriologist of the corporation.

INFORMATION FILED: December 14, 1953, Southern District of California, against Al G. Johns, president and treasurer of the American Bio-Chemical Corp.

ALLEGED VIOLATION: On or about July 3 and 14, 1952, the defendant corporation and each of the individual defendants caused to be introduced into interstate commerce, at Los Angeles, Calif., for delivery to Detroit, Mich., and Herrin, Ill., a quantity of *Neo-Lifo B-12* which was adulterated and misbranded.

In addition, the defendant corporation and Defendant Rothenberg and Defendant Leuterio, on or about May 14, 1952, gave to a firm engaged in the business of shipping drugs in interstate commerce, at Palo Alto, Calif., an invoice containing a guaranty which provided that the *Livo-12-Crude* listed in the invoice was neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about May 14, 1952, the defendant corporation and Defendant Rothenberg and Defendant Leuterio delivered to the holder of the guaranty, at Palo Alto, Calif., a quantity of *Livo-12-Crude* which was adulterated and misbranded.

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality and purity of the articles fell below that which they were represented to possess. The articles were represented to be sterile, whereas they were not sterile but were contaminated with viable micro-organisms.

Misbranding, section 502 (a), the label statement "Sterile Solution" appearing on the label of each of the articles was false and misleading since the articles were not sterile solutions but were solutions contaminated with viable micro-organisms.

DISPOSITION: January 4, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$400 and each individual defendant \$50.

4353. Adulteration and misbranding of digitoxin tablets. U. S. v. 36 Bottles * * *. (F. D. C. No. 36225. Sample No. 39649-L.)

LIBEL FILED: January 7, 1954, Southern District of California.

ALLEGED SHIPMENT: On or about September 28, 1953, by Richlyn Laboratories, from Philadelphia, Pa.

PRODUCT: 36 1,000-tablet bottles of *digitoxin tablets* at Los Angeles, Calif. Examination showed that the product contained 0.15 mg. of cardioactive gly-