

9311. Misbranding of Wilson's Solution Anti-Flu. U. S. * * * v. Cooper Medicine Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 12372. I. S. Nos. 2151-r, 7066-r, 7024-r, 2616-r, 6893-r, 2370-r, 2656-r.)

On September 18, 1920, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cooper Medicine Co., a corporation, having places of business at Dayton and Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Ohio, on or about November 9 and 12, 1918, respectively, into the State of California, on or about November 7, 1918, into the State of Oregon, on or about November 12, 1918, into the State of Washington, on or about November 5 and 14, 1918, respectively, into the State of Missouri, and on or about November 11, 1918, into the State of Wisconsin, of quantities of Wilson's Solution Anti-Flu which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of oil of eucalyptus, thymol, and methyl salicylate.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices, regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles containing the article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for flu, as a powerful antiseptic (to disinfect the nose and throat), and as a preventive against influenza, colds, and grip, when, in truth and in fact, it was not.

On April 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

9312. Adulteration and misbranding of Effervescent Magnesia. U. S. * * * v. Paul Guagliardo and John B. Marone (Milano Pharmacal Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 12375. I. S. No. 12564-r.)

On July 20, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul Guagliardo and John B. Marone, copartners, trading as Milano Pharmacal Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on October 23, 1918, from the State of New York into the State of Massachusetts, of a quantity of Effervescent Magnesia which was adulterated and misbranded. The article was labeled in part, "Prodotti Speciali Milano's Effervescent Magnesia * * * Milano Pharmacal Co. New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted principally of sodium bicarbonate, tartaric acid, citric acid, boric acid, and sugar, with only traces, if any, of sulphates and magnesium.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard or quality under which it was sold, and in that it was a mixture composed of sodium bicarbonate, tartaric acid, borax, sugar, and a sulphate, which contained only a trace, if any, effervescent magnesia, and was sold as effervescent magnesia.

Misbranding was alleged in substance for the reason that the statement, to wit, "Effervescent Magnesia," borne on the labels attached to the bottles containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was effervescent magnesia, whereas, in truth and in fact, it was not effervescent magnesia, but was a mixture composed of sodium bicarbonate, tartaric acid, borax, sugar, and a sulphate, which contained only a trace, if any, effervescent magnesia, and for the further