N. J., F. D. 17751–17800 Issued June, 1931

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17751—17800

[Approved by the Secretary of Agriculture, Washington, D. C., May 25, 1931]

17751. Adulteration and misbranding of fluid extract of ginger. U. S. v. 10 Cartons of Ginger Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24853. I. S. No. 014215. S. No. 3194.)

Examination of samples of fluid extract of ginger from the herein-described interstate shipment having shown that the article did not meet the requirements of the United States Pharmacopoeia, since it contained castor oil, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On June 23, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 10 cartons, each containing 6 dozen 2-ounce bottles of fluid extract of ginger, remaining in the original unbroken packages at Tyler, Tex., alleging that the article had been shipped by the De Lux Packing Co., Brooklyn, N. Y., February 6, 1930, and had been transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Fluid Extract of Ginger U. S. P."

Analysis of a sample of the article by this department showed that the product contained castor oil and but a small proportion of material derived from ginger.

It was alleged in substance in the libel as amended that the article was adulterated in that it was sold under a name recognized by the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the bottle label, "Fluid Extract of Ginger U. S. P.," was false and misleading, and for the further reason that the article was an imitation, and was offered for sale under the name of another article.

On October 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17752. Adulteration and misbranding of fluid extract of ergot, tincture cinchona compound, tincture nux vomica, tincture belladonna, fluid extract of belladonna leaves, and tincture cinchona. U. S. v. C. F. Sauer Co. Plea of guilty. Fine, $25. (F. & D. No. 25005. I. S. Nos. 03308, 03311, 04102, 04104, 04105, 04114.)

Examination of samples of drugs from the herein-described interstate shipments having shown that the said samples did not conform to the United States Pharmacopoeia, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On September 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against the C. F. Sauer Co., a corporation, Richmond, Va., alleging shipment by said company under the name of the American Laboratories (Inc.), in violation of the food and drugs act, in various consignments, on or about July 25, August 21, October 26, and December 14, 1928, respectively, from the State of Virginia into the District of Columbia of quantities of fluid extract of ergot, tincture cinchona compound, tincture nux vomica, tincture belladonna, fluid extract of belladonna leaves, and tincture cinchona, which were adulterated and misbranded. The articles were labeled in part: "Fluidextract Ergot (U. S. P.);" "Tinct. Cinchona, Comp. U. S. P.;" "Tinct. Nux Vomica U. S. P.;" "Tinct. Belladonna (U. S. P);" "Fluidextract Belladonna Leaves, U. S. P;" and "Tincture Cinchona, U. S. P."

It was alleged in the information that the articles were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, viz: The said fluid extract of ergot was inert. The said tincture cinchona compound yielded not less than 0.640 gram of the alkaloids of cinchona per 100 cubic centimeters, whereas the said pharmacopoeia provides that compound tincture of cinchona should yield not more than 0.5 gram of the alkaloids of cinchona. The said tincture nux vomica yielded not less than 0.275 gram of the alkaloids of nux vomica per 100 cubic centimeters, whereas the pharmacopoeia provided that tincture of nux vomica should yield from each 100 cubic centimeters not more than 0.263 gram of the alkaloids of nux vomica. The said tincture belladonna yielded not less than 0.0463 gram of the alkaloids of belladonna leaves per 100 cubic centimeters, whereas the said pharmacopoeia provided that tincture of belladonna should yield from each 100 cubic centimeters not more than 0.033 gram of the alkaloids of belladonna leaves. The said fluid extract belladonna leaves yielded not less than 0.518 gram of the total alkaloids of belladonna leaves per 100 cubic centimeters, whereas the said pharmacopoeia provides that fluid extract belladonna leaves should yield from each 100 cubic centimeters not more than 0.33 gram of the total alkaloids of belladonna leaves. The said tincture cinchona yielded not more than 0.526 gram of the alkaloids of cinchona per 100 cubic centimeters, whereas the said pharmacopoeia provided that tincture cinchona should yield from each 100 cubic centimeters not less than 0.8 gram of the alkaloids of cinchona; and the standard of strength, quality, and purity of the said articles was not declared on the container thereof.

Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that they were represented to conform to the United States Pharmacopoeia, whereas they did not.

Misbranding was alleged for the reason that the statements, "Fluidextract Ergot (U. S. P.)," "Tinct. Cinchona Comp. U. S. P.," "Tinct. Nux Vomica U. S. P.," "Tinct. Belladonna (U. S. P.)," "Fluidextract Belladonna Leaves U. S. P.," and "Tincture Cinchona U. S. P.," borne on the labels of the respective articles, were false and misleading in that the said statements represented that the articles conformed to the standard laid down in the United States Pharmacopoeia, whereas they did not.

On October 6, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17753. Misbranding of Goldban's Celebrated 449 remedy. U. S. v. 10 Dozen Bottles of Goldban's Celebrated 449 Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25146. I. S. No. 3515. S. No. 3402.)

Examination of samples of a drug product, known as Goldban's Celebrated 449 remedy, from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen bottles of Goldban's Celebrated 449 remedy, remaining in the original unbroken packages at Camden, N. J., alleging that the