

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]

18201-18225

[Approved by the Secretary of Agriculture, Washington, D. C., October 20, 1931]

18201. Adulteration of chloroform. U. S. v. 160 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16579. S. No. E-4023.)

Examination of samples of chloroform from the shipment herein described having shown that it failed to meet the pharmacopœial requirements, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On July 10, 1922, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 160 cans of chloroform at Jamaica, N. Y., alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., between the dates of December 16, 1921 and January 21, 1922, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 1, in the case of drugs, that is to say, it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopœia official at the time of the investigation, since an analysis showed the product to be turbid, instead of clear, that upon evaporation it left a foreign odor, it contained hydrochloric acid, and contained impurities decomposable by sulphuric acid, also chlorinated decomposition products.

On April 24, 1931, 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.*

18202. Misbranding of Phoceol. U. S. v. 1 Package of Phoceol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25245. I. S. No. 5706. S. No. 3523.)

Examination of a drug product, known as Phoceol, from the shipment herein described having shown that it was represented to possess certain curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On December 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one package of Phoceol, alleging that the article had been shipped by E. Fougera & Co. (Inc.), New York, N. Y., on or about September 24, 1930, to

San Juan, P. R., and that it was being sold and offered for sale in Porto Rico by Serra, Garabis & Co. (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Formula of bottle A) "Iodide of caesium, 0 gm. 125; iodide of rubidium, 0 gm. 25; iodide of sodium, 1 gm. 50; chloride of calcium, 4 gm. 00; chloride of magnesium, 11 gm. 00; thiosinamine, 0 gm. 20; hyposulphite of sodium, 0 gm. 05; excipient to make 30 gm. 00;" (formula of bottle B) "Benzoate of lithium, 0 gm. 30; resublimed iodine metalloid, 0 gm. 625; mimotannin (tannin extract of mimosa), 1 gm. 25; incipient to make 30 gm. 00."

It was alleged in the libel that the article was misbranded in that the statement appearing on the carton label, regarding the curative or therapeutic effect of the said article, "Internal Treatment of Opacities of the Crystalline Lens," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 4, 1931, 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.*

18203. Adulteration and misbranding of Vitalex. U. S. v. 164 Cases, et al., of Vitalex. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25981, 26009. I. S. Nos. 6921, 27348. S. Nos. 4248, 4301.)

Examination of a drug product known as Vitalex having shown that it was labeled as containing vitamin D, whereas it was worthless as a source of vitamin D, the Secretary of Agriculture reported to the United States attorney for the Northern District of Illinois the shipments herein described, involving quantities of the product located at Chicago, Ill.

On March 4 and March 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 327 cases of the said Vitalex at Chicago, Ill., alleging that the article had been shipped by Chemicals & Drugs (Inc.), from Baltimore, Md., in part on October 30, 1930, and in part on February 27, 1931, and had been transported from the State of Maryland into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted of caffeine, salicylic acid, benzoic acid, small proportions of plant drugs including licorice, wild cherry, and a laxative drug, strychnine, valeric acid and volatile oils, alcohol, and water. Biological examination showed that the article was worthless as a source of vitamin D.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard of strength under which it was sold, in that it was labeled as containing vitamin D, whereas it contained no vitamin D.

Misbranding was alleged for the reason that the statement on the carton, "To which are added Vitamins * * * D," was false and misleading, since the article contained no vitamin D.

On March 19, 1931, the I. S. Johnson Co. (Inc.), claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant to be relabeled at Chicago, Ill., under the supervision of this department, upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18204. Misbranding of McCormick's cold and pain salve. U. S. v. 3¾ Dozen Jars of McCormick's Cold & Pain Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25960. I. S. No. 4392. S. No. 4194.)

Examination of a drug product, known as McCormick's cold and pain salve, from the shipment herein described having shown that the cartons, jar labels, and accompanying booklets bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.