

(Carton label) "Each fluid dram represents the active principles of the assembled Hormones in the usual desiccated form in the following proportion: * * * Thyroid $\frac{1}{16}$ gr.: Adrenal $\frac{1}{16}$ gr."

Misbranding was alleged for the reason that the statements on the carton "Each fluid dram represents the active principles of the assembled Hormones in the usual desiccated form in the following proportion: * * * Thyroid $\frac{1}{16}$ gr.; Adrenal $\frac{1}{16}$ gr.," were false and misleading. Misbranding was alleged for the further reason that the statements on the bottle label, regarding the curative or therapeutic effect of the article, "Indications: Menopause, Hypotension, Hypoadrenia, Dysmennorrhoea, Neurasthenia, and in defective or morbid Metabolism of endocrine origin," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 26, 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.*

19379. Adulteration and misbranding of Clotol. U. S. v. The Wm. S. Merrell Co. Plea of guilty. Fine, \$10. (F. & D. No. 27474. I. S. No. 5768.)

This action involved a drug product, known as Clotol, and was based on representation in the labeling that the article contained the principal medicinal extracts of cod-liver oil combined with hypophosphites of quinine and strychnine, also on certain claims regarding its curative and therapeutic properties. Examination showed that it contained no quinine and strychnine, that it was worthless as a source of the therapeutically valuable principles of cod-liver oil, and that it would not produce certain curative effects claimed.

On February 29, 1932, 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 the district aforesaid an information against the Wm. S. Merrell Co., a corporation, Cincinnati, Ohio, alleging shipment by said company in violation of the food and drugs act as amended, on or about December 18, 1930, from the State of Ohio into Puerto Rico, of a quantity of the said Clotol which was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium, iron, manganese, and calcium compounds, hypophosphites, sulphates, guaiacol, extracts of plant drugs, alcohol, sugar, and water. No quinine nor strychnine was detected. Biological examination showed that the article was worthless as a source of vitamin D, one of the therapeutically important constituents of cod-liver oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be wine of cod-liver oil that contained in every 100 cubic centimeters extract of cod-liver oil combined with hypophosphites of quinine and strychnine, and that it contained the principal medicinal extracts of cod-liver oil, whereas it was not wine of cod-liver oil, it did not contain extract of cod-liver oil combined with hypophosphites of quinine and strychnine, and did not contain the principal medicinal extracts of cod-liver oil.

Misbranding was alleged for the reason that the statements, "Wine of Cod Liver Oil * * * every 100 c. c. contains * * * extract of cod liver oil combined with * * * hypophosphites of quinine and strychnine. * * * this palatable preparation represents the principal medicinal extracts of cod liver oil," borne on the carton and bottle and the statements, to wit, "Clotol with Creosote and Guaiacol is the same formula as Clotol simple * * * cod liver oil has always merited the esteem of physicians * * * at the same time its frequent use is restricted due to its bad taste and the tendency which it has to disturb the digestion. These difficulties have been removed with our preparation Clotol in which the fatty principles have been eliminated, offering only the essential extractives with all their medicinal power * * * This preparation may be taken for an indefinite length of time, and because it lacks absolutely the disagreeable taste and odor of cod liver oil so common in other preparations, we guarantee that it will produce no digestive disorders," borne on the circular shipped with the article, were false and misleading, since the article was not

wine of cod-liver oil, it contained no extract of cod-liver oil combined with hypophosphites of quinine and strychnine; it did not represent the principal medicinal extracts of cod-liver oil; it was a preparation that offered no essential extractives of cod-liver oil and it was not a substitute for cod-liver oil. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the said cartons and bottles and in the said circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for the first stages of pulmonary tuberculosis, chronic muscular rheumatism, scrofulous lesions of the skin, dilated lymphatic glands, tertiary syphilis, marasmus, anemia, all affections of the respiratory tract, pulmonary tuberculosis, subacute, acute, and chronic bronchitis, laryngitis, obstinate cough with fetid and viscous expectoration, general debility due to faulty nutrition, intestinal tuberculosis, and chronic gastritis with fermentation; and effective to diminish the temperature and alleviate the cough in the different pulmonary affections where there exists fetid expectoration; and effective as a powerful stimulant and extraordinary nutritive agent; and effective in the treatment of nervous affections, general debility, and loss of vigor through physical or mental work, whereas it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 29, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19380. Adulteration and misbranding of mercury protoiodide tablets, quinine sulphate tablets, and salol tablets. U. S. v. Physicians' Chemical & Drug Co. Plea of not guilty. Judgment of guilty. Fine, \$200 and costs. (F. & D. No. 22556. I. S. Nos. 15089-x, 15092-x, 15093-x, 15094-x.)

Examination of samples of drug tablets from the shipment herein described showed that the articles varied appreciably from the declared standard, since the quinine sulphate tablets contained less than the declared amount of quinine sulphate, and the mercury protoiodide tablets and the salol tablets contained more mercury protoiodide and salol, respectively, than labeled.

On April 17, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Physicians' Chemical & Drug Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about December 14, 1926, from the State of Illinois into the State of Louisiana, of quantities of drugs consisting of 1 lot of mercury protoiodide tablets, 2 lots of quinine sulphate tablets, and 1 lot of salol tablets, which said drugs were adulterated and misbranded. The articles were labeled in part, variously: "Mercury Protoiodide Gr. $\frac{1}{4}$;" "Quinine Sulphate Gr. 1 [or "Gr. 2"];" "Salol Grs. $2\frac{1}{2}$ * * * The Physicians' Chemical and Drug Company, Chicago, Illinois."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the said mercury protoiodide tablets was represented to contain $\frac{1}{4}$ grain of mercury protoiodide, whereas each one contained more than so represented, namely, not less than 0.281, i. e., approximately two-sevenths of a grain of mercury protoiodide. Each of the quinine sulphate tablets in one of the lots was represented to contain 1 grain of quinine sulphate, where each one contained less than so represented, namely, not more than 0.747 grain, i. e., $\frac{3}{4}$ grain of quinine sulphate. Each of the quinine sulphate tablets in the other lot was represented to contain 2 grains of quinine sulphate, whereas each one contained less than so represented, namely, not more than 1.728, i. e., $1\frac{3}{4}$ grains of quinine sulphate. Each of the salol tablets was represented to contain $2\frac{1}{2}$ grains of salol, whereas each of said tablets contained more than so represented, to wit, not less than 5.077 grains of salol.

Misbranding was alleged for the reason that the statements, to wit, "Mercury Protoiodide Gr. $\frac{1}{4}$ * * * Tablets," "Quinine Sulphate Gr. 1," "Quinine Sulphate Gr. 2," and "Salol Grs. $2\frac{1}{2}$ * * * Tablets," borne on the labels of the respective products, were false and misleading in that the said statements represented that the articles contained the amount of the said drugs declared on the labels, whereas they did not, the said mercury protoiodide tablets and the salol tablets contained more of the said drugs than declared on