

filed in the District Court of the United States for the district aforesaid an information against Edgar A. Dobbin, trading as E. A. Dobbin and E. A. Dobbin & Co., Lenoir, N. C., alleging shipment by said defendant in violation of the food and drugs act, on or about June 17, 1930, from the State of North Carolina into the State of New York, of a quantity of alleged cramp bark that was adulterated and misbranded. The article was invoiced: "True Cramp Bark."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test for cramp bark laid down in the said formulary official at the time of investigation, and its own standard of strength, quality, and purity was not stated upon the package.

Misbranding was alleged for the reason that the article was an imitation of cramp bark and was offered for sale under the name of another article, to wit, cramp bark.

On April 26, 1932, the defendant entered a plea of nolo contendere to the information and the court, after hearing the facts, ordered that judgment in the case be suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19672. Misbranding of Pyo-Rem. U. S. v. Pyo-Rem Chemical Co., a Corporation. Tried to the court. Judgment for the Government. Fine, \$100. (F. & D. No. 27439. I. S. Nos. 13149, 21760.)**

The Pyo-Rem Chemical Co., a corporation organized and existing under the laws of the State of California, engaged in the manufacture of a certain drug designated Pyo-Rem, executed a written guaranty to certain purchasers of said product, that said article of drugs was not adulterated or misbranded within the meaning of the food and drugs act of June 30, 1906 as amended. This action was based on sales of quantities of Pyo-Rem, under said guaranty, which drugs were subsequently shipped in interstate commerce by the purchasers thereof.

On March 16, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States at Los Angeles, Calif., an information against the Pyo-Rem Chemical Co., a corporation, alleging, among other things, that on or about January 29, 1931, the defendant sold and caused to be delivered to the McKesson Western Wholesale Drug Co. at Los Angeles, Calif., a certain article of drugs, to wit, Pyo-Rem; that the defendant on or about January 2, 1931, sold and caused to be delivered to the Brunswick Drug Co. at Los Angeles, Calif., a certain article of drugs, to wit, Pyo-Rem; that on or about the seventh day of February, 1931, the said McKesson Western Wholesale Drug Co. shipped from the State of California into the State of New Mexico all or portions of said lot of Pyo-Rem, in the identical condition as when received from the defendant; that on or about the second day of January, 1931, said Brunswick Drug Co. shipped from the State of California into the State of Arizona all or portions of said lot of Pyo-Rem in the identical condition as when received from the defendant.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc chloride, potassium chlorate, alcohol, and water, with small proportions of boric acid, chloroform, formaldehyde and volatile oils, colored with a red dye.

The information further alleged that the said article of drugs, sold and delivered as aforesaid, was misbranded within the meaning of the food and drugs act as amended. Said article of drugs was labeled on the bottles as follows, to wit: "Pyo-Rem 'The Dentist's Favorite Prescription' Each Fluid Ounce Contains 10 Per Cent. Alcohol 1 Minim Chloroform Useful and beneficial wherever an Astringent Mouth Wash or Gargle may be indicated. Pyorrhea, Alveolaris (Rigg's Disease), Tender, Bleeding, Soft, Spongy, or Receding Gums. Consult your Dentist often and use Pyo-Rem daily. Pyo-Rem A Real Tooth Saver The Pyo-Rem Chemical Company, Inc. 809 West 9th Los Angeles, Cal. General Uses and Directions."

It was further alleged in the information that the article of drugs was misbranded in that the statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles, were false and fraudulent in that the same were applied to the said article know-

ingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for pyorrhea alveolaris (Rigg's disease), tender, bleeding, soft, spongy, or receding gums when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for pyorrhea alveolaris (Rigg's disease), tender, bleeding, soft, spongy, or receding gums.

The defendant having pleaded not guilty, the cause came on for trial April 19, 1932, before the court, a jury having been waived, a stipulation of facts was offered in evidence in which the defendant admitted execution of the guaranty, that the sales had been made, and the subsequent interstate shipment of the product in question. Evidence was introduced on the part of the Government to show that the article, "Pyo-Rem," was misbranded in that the statements, designs, and devices regarding the therapeutic and curative effects of the said product, appearing on the labels of the bottles, were false and fraudulent. The defendant offered evidence tending to show that the label was neither false nor fraudulent. On April 21, 1932, at the conclusion of all the evidence, the case was continued for argument and the filing of briefs.

On May 3, 1932, briefs having been filed, arguments of counsel concluded and the cause submitted, the court held defendant to be guilty as charged in each count of the information. Thereafter, on May 16, 1932, defendant was by the court ordered to pay a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19673. Adulteration and misbranding of Runners extract of cod-liver oil cordial. U. S. v. C. H. Griest Co. (Inc.). Plea of nolo contendere. Fine, \$5. (F. & D No. 26655. I. S. No. 28253.)**

This action was based on interstate shipments of quantities of a drug product, known as Runners extract of cod-liver oil cordial, which purported to be an extractive of cod liver. Examination showed that 100 grams of the article were not equal to 1 gram of good cod-liver oil as a source of vitamin A. The carton and bottle labels also bore unwarranted curative and therapeutic claims.

On October 29, 1931, the United States attorney for the Northern District of West Virginia, 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 C. H. Griest Co. (Inc.), a corporation, Wheeling, W. Va., alleging shipments by said company in violation of the food and drugs act as amended, on or about December 24, 1930, and February 12, 1931, from the State of West Virginia into the State of Pennsylvania of a quantity of the said Runners extract of cod-liver oil cordial that was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of phosphorous, calcium, sodium, potassium, iron, and manganese, and traces of quinine and strychnine alkaloids, wild cherry, sugar, alcohol, and water, flavored with orange and cassia oils. Biological examination showed that 100 grams of the article were not equal to 1 gram of good cod-liver oil as a source of vitamin A.

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 extract of cod-liver oil cordial which contained a solution of an extractive from fresh cod livers, whereas it was not an extractive of cod-liver oil cordial and did not contain a solution of an extractive from fresh cod livers.

Misbranding was alleged for the reason that the statements, "Extract of Cod Liver Oil Cordial \* \* \* Contains a Solution of an Extractive from Fresh Cod Livers," borne on the carton and bottle labels, were false and misleading, since the said article was not extract of cod-liver oil cordial which contained a solution of an extractive from fresh cod livers. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that the article was effective as a reconstructive and as a digestive; effective to protect health; and effective when taken regularly and according to directions as a remedy to produce health; whereas the article contained no ingredients or medicinal agents effective for the said purposes.