On January 23, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas E. Tolleson, a member of a firm trading as the Southern Druggists Exchange, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 5 and August 12, 1933, from the State of Georgia into the State of Florida, and on or about August 16, 1933, from the State of Georgia into the State of North Carolina of quantities of citrate of magnesia or solution citrate magnesia which was adulterated and misbranded. The words "Citrate of Magnesia" or "Solution Citrate Magnesia" were blown in the bottles. Portions of the article were labeled in part: "Citrate of Magnesia Eff. Comp. Solution Not a U. S. P. Solution but a revised formula which is as effective and more stable * * * Tolleson Laboratories Manufacturing Chemists Atlanta, Ga."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that the product in all shipments contained in each 100 cubic centimeters of magnesium citrate corresponding to less than 1.5 grams of magnesium oxide, the three shipments containing magnesium citrate corresponding to 0.584, 0.622, and 0.635 gram, respectively, of magnesium oxide; in two of the shipments the total citric acid in 10 cubic centimeters of the solution was found to be equivalent to less than 28 cubic centimeters of half-normal sulphuric acid, namely, 20.45 and 20.25 cubic centimeters, respectively, of half-normal sulphuric acid per 10 cubic centimeters of the solution; the article in the three shipments contained sulphates equivalent to 1.662, 1.605, and 1.567 grams, respectively, of magnesium sulphate; whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide; that 10 cubic centimeters of the solution shall contain total citric acid equivalent to 28 cubic centimeters of half-normal sulphuric acid, and that the solution shall be free from magnesium sulphate; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged with respect to portions of the article for the further reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be citrate of magnesia as effective and more stable than solution citrate of magnesia named in the United States Pharmacopoeia, whereas it was not as effective nor was it more stable than the pharmacopoeial product.

Misbranding was alleged for the reason that the article did not contain the normal ingredients of solution citrate magnesia or citrate of magnesia and was prepared in imitation of solution citrate magnesia or citrate of magnesia and was offered for sale and sold under the name of "Solution Citrate Magnesia" and "Citrate of Magnesia." Misbranding was alleged with respect to portions of the article for the further reason that the statement "Citrate of Magnesia * * * Not a U. S. P. Solution but a revised formula which is as effective and more stable", borne on the label, was false and misleading, since the article was not as effective and was not more stable than solution citrate of magnesia recognized in the pharmacopoeia.

On March 14, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of $100.

M. L. WILSON, *Acting Secretary of Agriculture.*

24537. Misbranding of Sanovapor Dexene. U. S. v. Sanovapor Laboratories, Inc., Gordon A. Guthrie and Ethelbert Kennedy Walker. Pleas of guilty. Fines, $100. (F. & D. no. 33825. Sample no. 41211-A.)

This case was based on an interstate shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On January 3, 1935, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sanovapor Laboratories, Inc., Gordon A. Guthrie, and Ethelbert Kennedy Walker, Huntington, W. Va., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about May 1, 1933, from the State of West Virginia into the State of Wisconsin, of a quantity of Sanovapor Dexene which was misbranded.

Analysis showed that the article consisted of a watery solution containing 0.19 gram of sulphur dioxide per 100 cubic centimeters.

The article was alleged to be misbranded in that certain statements, designs, and devices appearing in the booklet shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for diabetes, diabetes mellitus, sugar diabetes, diabetic condition, the cause of diabetes, general symptoms of diabetes, such as weak and languid feeling, soreness, and pains in the limbs, emaciation, harsh, dry and itchy skin, distressed and worn expression of the countenance, mental changes, depression of spirits, decline in firmness of character and moral tone, irritability, neuralgia headache, diminishing of sexual inclination and power, visual defects, and temperature below normal; complications of diabetes such as boils and carbuncles, eczema, and gangrene, especially of the feet and legs, pulmonary complications, tuberculosis, lobar pneumonia, eye complications, cataract, optic atrophy, nervous complications, peripheral neuritis, ringing of the ears, deafness, diabetic coma or acidosis, unconsciousness, pain in the head, delirium, rapid and feeble pulse, sweetish odor of the breath, acetone bodies in the urine and nephritis; functional inefficiency of the pancreas.

On March 12, 1935, the defendants entered pleas of guilty and the court imposed fines totaling $100.

M. L. WILSON, *Acting Secretary of Agriculture.*

24538. Misbranding of Kendig & Weaver's K-W Syrup Tar and Horehound Compound. U. S. v. Morris Drug Co. Plea of guilty. Fine, $25. (F. & D. no. 33835. Sample no. 62054-A.)

This case was based on a shipment of a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On January 25, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Morris Drug Co., a corporation, York, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 14, 1934, from the State of Pennsylvania into the State of Maryland, of a quantity of Kendig & Weaver's K-W Syrup Tar and Horehound Compound which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including horehound, tar, a calcium compound, chloroform, alcohol, sugar, and water, flavored with sassafras oil.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle label and carton, and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, hoarseness, whooping cough, croup, asthma, bronchitis, shortness of breath and diseases of the throat, chest, and lungs, and sore throat due to colds; effective as an instant relief for coughs, and as an instantaneous relief for coughs and bronchial troubles; effective as especially efficacious in cases of stubborn croup; and effective when used in connection with K-W Cold Tablets as a treatment, remedy, and cure for severe cases.

On March 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

24539. Adulteration and misbranding of Dr. J. O. Lambert's Syrup. U. S. v. Albert R. Demers (Dr. J. O. Lambert, Ltd.). Plea of guilty. Fine, $100. (F. & D. no. 33840. Sample nos. 47194-A, 58038-A, 58046-A.)

This case was based on three shipments of a drug preparation known as Dr. J. O. Lambert's Syrup. Examination showed that the article contained less chloroform than declared on the label; that it was not composed of vegetable substances only as represented, but contained mineral substances; and that the labeling bore unwarranted curative and therapeutic claims.

On February 20, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert R. Demers, trading as Dr. J. O. Lambert, Ltd., Troy, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 24, October 4, and October 26, 1933, from the State of New York into the States of Massachusetts, Vermont, and Rhode Island, respectively, of quantities of Dr. J. O. Lambert's Syrup which was adulterated and misbranded. The article was labeled in part: (Bottle) "The Renowned Vegetable Discovery * * * Chloroform U. S. P. one minim"; (carton) "Each Ounce Fluid Contains Chloroform U. S. P. 1¼ Minim."