in said formulary; and that the standard of strength, quality, and purity of the article was not declared on the container thereof; (b) that the article was represented to contain 5 percent of calomel; that the article contained not less than 6.12 percent of calomel; that the article fell below the professed standard and quality under which it was sold.

The Compressed Tablets No. 117 Phenacetin were alleged to be misbranded in that the statement on the label, to wit, "Tablets * * * phenacetin 5 grains", was false and misleading in that the article contained less than 5 grains of phenacetin.

The Syrup No. 17 Hypophosphites Compound was alleged to be misbranded in that the statement on the label, to wit, "Each fluidounce contains * * * quinine hypophosphite $\frac{7}{15}$ gr.; strychnine hypophosphite $\frac{1}{8}$ gr.", was false and misleading in that the article contained a less amount of each substance.

The Elixir No. 83 Iron, Quinine & Strychnine was alleged to be misbranded in that the statement on the label, to wit, "Elixir * * * Iron, Quinine and Strychnine N. F. (Strength) * * * Alcohol 10%", was a profession that the article was of National Formulary standard and that it contained 10 percent of alcohol, and was a false and misleading profession in that the article was not of such standard and contained more than 10 percent of alcohol; (b) in that the label on the article failed to bear a statement of the quantity or proportion of its alcoholic content.

The Elixir No. 12 Buchu, Juniper and Potassium Acetate was alleged to be misbranded in that the statement on the label, to wit, "Each fluid ounce represents * * * Potassium Acetate 16 grains", was false and misleading in that each fluid ounce contained less than 16 grains of potassium acetate.

The Elixir No. 54 Terpin Hydrate and Codeine was alleged to be misbranded in that the statement on the label, to wit, "Elixir * * * Terpin Hydrate and Codeine, N. F. * * * Each fluidounce represents * * * Codeine Sulphate 1 grain", was a profession that the article was of National Formulary standard, and was false and misleading in that the article was not of such standard and in that each fluid ounce thereof represented less than 1 grain of codeine sulphate; (b) in that the label on the article failed to bear a statement that an ingredient of the article, to wit, codeine, was a derivative of morphine.

The Fluid Extract No. 229 Stramonium was alleged to be misbranded in that the statements on the labels, to wit, "Fluid Extract Stramonium N. F. * * * Alcohol 50%" and "Standard: 0.22 to 0.28% alkaloids", were professions that the article was of National Formulary standard, and were false and misleading professions in that the article was not of such standard and that it contained more than 50 percent of alcohol and more than 0.28 percent of alkaloids of stramonium per 100 cubic centimeters; (b) in that the label on the article failed to bear a statement of the quantity or proportion of its alcoholic content.

The Ointment No. 5 Calomel was alleged to be misbranded in that the statement borne on the jar containing the article, to wit, "5% Calomel", was false and misleading in that the article contained more than 5 percent of calomel; (b) and in that the article was not of National Formulary strength, which fact was not stated on the label and the label did not bear a clear and exact statement of the nature and extent of such deviation.

On November 4, 1935, a plea of guilty was entered and a fine of $700 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25148. Misbranding of Precision Pills For Kidney and Bladder Ailments and Precision Rheumatic Relief Tablets. U. S. v. Laboratories, Inc. and Dewey W. Miles. Pleas of guilty. Fine, $25 as to each defendant. (F. & D. no. 36044. Sample nos. 27877–B, 27878–B.)

Unwarranted curative and therapeutic claims were made for these articles.

On November 21, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Laboratories, Inc., and Dewey W. Miles, its president, Joplin, Mo., alleging shipment by them in violation of the Food and Drugs Act as amended, on or about January 17, 1935, from Joplin, Mo., to West Memphis, Ark., of quantities of Precision Pills For Kidney and Bladder Ailments and Precision Rheumatic Relief Tablets which were misbranded. Each article was labeled in part: (Bottle) "Laboratories, Incorporated, Joplin, Missouri."

Analyses showed that the pills for kidney and bladder ailments contained magnesium carbonate, potassium nitrate, and plant material including uva ursi and buchu, coated with sugar and calcium carbonate; that the rheumatic relief tablets contained acetylsalicylic acid (5 grains per tablet) and plant material including colchicum.

The Precision Pills For Kidney and Bladder Ailments were alleged to be misbranded in that the label on the bottle and a circular enclosed in the package bore and contained false and fraudulent statements that the article was effective, among other things, as a treatment, remedy, and cure for kidney and bladder ailments; and effective to bring relief from most ailments of the kidney and bladder caused by accumulated waste matter.

The Precision Rheumatic Relief Tablets were alleged to be misbranded in that the label on the bottle bore false and fraudulent statements that the article was effective, among other things, as a rheumatic relief; effective as a treatment, remedy, and cure for rheumatism, rheumatic pains, and rheumatic conditions; and effective as a treatment, remedy, and cure for rheumatism and rheumatic pains caused by bad teeth, infected tonsils, wrong eating, and various deep-seated constitutional diseases.

On January 20, 1936, each of the defendants entered a plea of guilty and a fine of $25 was imposed upon each.

W. R. GREGG, *Acting Secretary of Agriculture.*

25149. Adulteration and misbranding of Prescription Brand Straight Bourbon Whiskey. U. S. v. 648 Cases of Prescription Brand Straight Bourbon Whiskey. Trial by the court. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 36463. Sample nos. 32646–B, 32816–B.)

This article differed from the pharmacopoeial standard and its label bore incorrect statements concerning its quality.

On October 8, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 648 cases of Prescription Brand Straight Bourbon Whiskey at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about August 23 and October 4, 1935, by Fort Clark Distilleries, Inc., Peoria, Ill., from that place to Des Moines, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Prescription Brand Straight Bourbon Whiskey 'Chemically Assayed' * * * is standardized straight bourbon whiskey, prepared for nurses, hospitals, and physicians;" (booklet) "U. S. Food and Drugs Acts have been complied with in the manufacture of this Prescription Whiskey. * * * Prescription Whiskey is superior to U. S. P. requirements in purity."

Analysis showed that the article contained esters in 50 cubic centimeters equivalent to 1 cubic centimeter of tenth-normal sodium hydroxide; and the United States Pharmacopoeia specifies that whisky contain in 50 cubic centimeters esters equivalent to not less than 1.7 cubic centimeters of tenth-normal sodium hydroxide.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, whisky, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia.

The article was alleged to be misbranded in that statements appearing upon the label and in a circular were false and misleading in that they created the impression that the article was of the quality suitable for dispensing upon prescriptions for whisky. The Fort Clark Distilleries, Inc., the consignor, and the Iowa Liquor Control Commission, the consignee, jointly appeared and answered. Trial was by the court.

On December 10, 1935, a decree was entered adjudging condemnation and forfeiture, but providing that upon payment of costs and the furnishing by the Iowa Liquor Control Commission of a bond in the sum of $1,000, the whisky might be relabeled so that it might be sold without violating any law of the United States or of any State. No appeal.

W. R. GREGG, *Acting Secretary of Agriculture.*