

that it contained double the quantity of vitamin D, that it contained twice the quantities of vitamin A and vitamin D found in ordinary cod-liver oil, that it was superior, that it represented the highest potency of natural vitamin D content, and that the natural vitamin D in the article had been standardized to contain not less than 75,000 units per 100 grams, were false and misleading. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, on the bottle labels, and cartons, and in a circular enclosed in the cartons, falsely and fraudulently represented that it would be effective to promote growth, to build health and vigor, to strengthen the membranes and tissues, to build sturdy bones and proper tooth structure, to make one strong and keep one well, to guard the health, to protect the health and to resist infection and disease; effective as a preventive of infectious diseases such as colds, bronchitis, and pneumonia; effective to increase the power of resistance of the body; effective as a treatment for wasting diseases, and as a remedy in all cases of chronic bronchitis.

On October 26, 1936, the defendants entered pleas of guilty and the court imposed a fine of \$50.

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

26738. Adulteration and misbranding of nitrous oxide. U. S. v. Certified Laboratory Products, Ltd. Plea of guilty. Fine, \$20. (F. & D. no. 37048. Sample no. 55458-B.)

This case involved an interstate shipment of an article labeled "Nitrous Oxide", and "Nitrous Oxide Gas." It differed from the standard of strength, quality, and purity prescribed for such article in the United States Pharmacopoeia, and was represented on the label as free from foreign gases or impurities, when it was not.

On June 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Certified Laboratory Products, Ltd., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act on or about September 19, 1935, of a quantity of an article, labeled "Nitrous Oxide" and "Nitrous Oxide Gas", which was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, nitrogen monoxide, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, in that it contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen, and its own standard of strength, quality, and purity was not declared on the container thereof.

The article was alleged to be misbranded in that the statement, "The contents of this cylinder * * * is free from * * * other foreign gases or Impurities", borne on tags attached to the containers, was false and misleading in that it represented that the article was free from foreign gases and impurities; whereas in fact it was not free from foreign gases and impurities, but contained gases other than nitrogen monoxide, namely, hydrogen, oxygen, and nitrogen.

On October 10, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$20.

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

26739. Misbranding of Wittone. U. S. v. United Distributors, Inc., and Winfield R. Offutt. Plea of guilty. Fine, \$30. (F. & D. no. 37065. Sample nos. 48581-B, 48693-B, 48716-B.)

The label of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On July 13, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against United Distributors, Inc., a corporation, Louisville, Ky., and Winfield R. Offutt, treasurer of said corporation, charging shipment by said corporation in violation of the Food and Drugs Act as amended, from the State of Kentucky into the States of Georgia, South Carolina, and Florida, on or about November 30, December 5, 8, and 17, 1935, of quantities of Wittone the labels of which bore false and fraudulent representations regarding its curative and therapeutic effects.

Analysis of the article showed it to be a red, aqueous liquid, the color of which was due to the presence of iron salicylate, with a sweet, cinnamon taste; and that it consisted chiefly of Epsom salt.

The article was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it would be effective as a treatment, remedy, and cure for indigestion, coated tongue, chronic malaria, rheumatism pains, impure blood, tired, dull, weak feeling, influenza, dysentery, bloody flux, and cholera infantum.

On October 14, 1936, the defendants entered pleas of guilty and the court imposed a fine of \$30 and costs.

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

26740. Misbranding of rubbing alcohol compound. U. S. v. 2,514 Bottles of Rubbing Alcohol Compound. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37090. Sample no. 44075-B.)

This case involved an interstate shipment of rubbing alcohol compound that was represented to contain ordinary (ethyl) alcohol, when it consisted of isopropyl alcohol and water; and such misrepresentation was not corrected by the relatively inconspicuous statement on the label to the effect that the article was prepared from isopropyl alcohol and did not contain ethyl alcohol.

On January 20, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of rubbing alcohol compound at Boston, Mass., alleging that it had been shipped in interstate commerce on or about November 13, 1935, by the Mills Sales Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded: (1) In that the statement on the bottle labels and on some of the shipping cartons, "Rubbing Alcohol Compound", was false and misleading, since it conveyed the impression that the article contained ordinary (ethyl) alcohol, when in fact it consisted of a mixture of isopropyl alcohol and water, and such impression was not corrected by the relatively inconspicuous statement, "The contents herein contained is prepared from Isopropyl Alcohol ($\text{CH}_3\text{CHOHCH}_3$). This preparation does not contain Ethyl Alcohol ($\text{C}_2\text{H}_5\text{OH}$). If taken internally will cause violent gastric disturbances * * *"; (2) in that the statement on some of the shipping cartons, "Alcohol—70%", was false and misleading, since the article did not contain 70 percent of ordinary (ethyl) alcohol but did contain 35.4 percent of isopropyl alcohol"; and (3) in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "Isopropyl Alcohol 70 Proof", appearing on the label, was meaningless.

On July 27, 1936, Wm. Filene's Sons Co., a corporation, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26741. Misbranding of Alco-Sponge-Rub Alcohol. U. S. v. 300 Bottles of Alco-Sponge-Rub Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37289. Sample no. 50714-B.)

This case involved an interstate shipment of Alco-Sponge-Rub Alcohol that was labeled to represent that it consisted essentially of ordinary (ethyl) alcohol; when in fact it consisted essentially of isopropyl alcohol, acetone, methyl salicylate, and water.

On March 3, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bottles of Alco-Sponge-Rub Alcohol at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 5, 1935, by the Wilshire Corporation from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements appearing on the label, "Alco-Sponge-Rub Alcohol * * * For Massaging, Sponging and Customary External Uses of Alcohol", were false and misleading, since it did not consist of ordinary (ethyl) alcohol, but was a mixture of isopropyl alcohol, acetone, methyl salicylate, and water. The article was alleged to be misbranded further in that the label failed to bear a statement of the quantity