and that 1 gram of the article yielded 1.18 to 1.32 percent of the total alkaloids of belladonna leaves; whereas in fact the article was not powdered extract of belladonna leaves that conformed to the standard laid down in said pharmacopoeia, and 1 gram of the article yielded less than 1.18 percent of the total alkaloids of belladonna leaves.

The article No. 39 Ophthalmic Ointment Atropine Sulphate was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 1 percent of atropine sulphate; whereas in fact the article contained not more than 0.75 percent of atropine sulphate. Said article was alleged to be misbranded in that the statement, "Ophthalmic Ointment Atropine Sulphate 1 Per cent", borne on the tube labels, cartons, and boxes containing the cartons, was false and misleading in that it represented that the article contained 1 percent of atropine sulphate; whereas in fact it contained less than 1 percent of atropine sulphate.

On March 19, 1937, the defendant entered a plea of nolo contendere and the court suspended sentence.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27138. Adulteration and misbranding of diluted mercurial ointment U. S. P. and elixir terpin hydrate and codeine. U. S. v. S. F. Durst & Co., Inc. Plea of nolo contendere. Fine, $100. (F. & D. no. 38586. Sample nos. 75246–B, 75247–B.)

Both articles differed from the standards prescribed for them in the United States Pharmacopoeia, and the elixir terpin hydrate and codeine also contained more than the quantity of terpin hydrate represented on the label.

On January 25, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. F. Durst & Co., Inc., charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 27, 1936, from the State of Pennsylvania into the State of New Jersey of a quantity of diluted mercurial ointment U. S. P. and of elixir terpin hydrate and codeine that were adulterated and misbranded.

The Diluted Mercurial Ointment U. S. P. was alleged to be adulterated in that it was sold under and by 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 in said pharmacopoeia in that it contained less than 29 percent of mercury, to wit not more than 23.42 percent thereof; whereas said pharmacopoeia provided that diluted (mild) mercurial ointment should contain not less than 29 percent of mercury, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be diluted mercurial ointment that conformed to the standard laid down in the United States Pharmacopoeia; whereas it in fact was not diluted mercurial ointment that conformed to the standard laid down in said pharmacopoeia. Said article was alleged to be misbranded in that the statement "Diluted Mercurial Ointment U. S. P.", borne on the label, was false and misleading in that it represented that the article was diluted mercurial ointment which conformed to the standard laid down in the United States Pharmacopoeia; whereas in fact the article was not diluted mercurial ointment that conformed to the standard laid down in said pharmacopoeia.

The Elixir Terpin Hydrate & Codeine was alleged to be 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 laid down in said formulary, in that it contained more than 17.5 grams, to wit, not less than 23.8 grams, of terpin hydrate per 1,000 cubic centimeters, equivalent to 10.8 grains of terpin hydrate per fluid ounce; whereas said formulary provided that elixir terpin hydrate and codeine should contain in each 1,000 cubic centimeters 2 grams of codeine and 17.5 grains of terpin hydrate, the article contained codeine sulphate, which is not mentioned in said formulary as a constituent of elixir terpin hydrate and codeine; and its standard of strength, quality, and purity was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that

it was represented to contain in each fluid ounce 8 grains of terpin hydrate; whereas in fact each fluid ounce of the article contained more than 8 grains of terpin hydrate, to wit, not less than 10.8 grains thereof. Said article was alleged to be misbranded in that the statement, "Each fluid ounce contains: Terpin Hydrate 8 grs.", borne on the label, was false and misleading in that it represented that each fluid ounce of the article contained 8 grains of terpin hydrate; whereas in fact each fluid ounce contained more than 8 grains of terpin hydrate.

On March 19, 1937, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of $100.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27139. Misbranding and alleged adulteration of Seedol Kelpamalt and Kayan. U. S. v. 124 Cartons of Seedol Kelpamalt and Kayan. Default decree of condemnation and destruction. (F. & D. nos. 38470, 38471. Sample no. 3101-C.)

The Seedol Kelpamalt was misrepresented on the label and in accompanying printed matter to consist of malt extract, to have valuable diastatic content, and to consist exclusively of mineral ingredients; and accompanying printed matter contained false and fraudulent representations regarding its curative or therapeutic effects. The Kayan was misrepresented in accompanying printed matter as a granulated powder from the sap of an Asiatic tree; and accompanying printed matter contained false and fraudulent representations regarding its curative or therapeutic effect.

On November 2, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cartons of Seedol Kelpamalt and Kayan at Los Angeles, Calif., alleging that they had been shipped in interstate commerce on or about July 25, 1936, by Allied Laboratories, from New York, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Seedol Kelpamalt showed that it consisted essentially of ground kelp, cocoa, sugars, salt, and small proportions of inorganic salts and saccharin. Analysis of the Kayan showed that it consisted essentially of phenolphthalein (approximately 1.2 grains per teaspoonful), a gum, sugar, and starch.

The Seedol Kelpamalt was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (on labels and accompanying printed matter) "Kelpamalt" (on the bottle label), "Seedol Kelpamalt consists of * * * Malt Extract" and (in an accompanying booklet) "Dried malt extract with its valuable diastatic content * * * diastatic malt with its rich enzyme * * * for the prompt digestion of starch. * * * Kelpamalt supplies the enzyme, diastase", in that it did not consist of malt extract, did not have valuable diastatic content, and contained no diastatic malt with its rich enzyme. Said article was alleged to be misbranded (1) in that the name "Kelpamalt" and the statement "Seedol Kelpamalt consists of * * * Malt Extract", borne on the labels, were false and misleading because it did not contain malt extract; and (2) in that the statement, "A New Mineral Concentrate from the Sea", contained in an accompanying booklet, and the statement "try this truly amazing mineral concentrate", contained in an accompanying circular, were false and misleading in that the article contained ingredients other than minerals. Said article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, contained in an accompanying booklet and circulars and other printed matter, falsely and fraudulently represented that it was capable of producing the effects, among others, claimed in said statements in substance and effect as follows: That the article would be effective to aid or promote nutrition, to cause or produce gain or increase in weight, to improve the general physical condition, and to improve the appetite and digestion; effective as a body builder and weight builder, and to supply the system with minerals lacking in foods; effective to feed starved glands and to build red blood, to cause permanent gain in flesh, to steady the nerves, to increase the energy, to supply glands with the necessary and adequate iodine and to cause them to function properly, and to promote assimilation and metabolism; effective as a cure or remedy for, or for the relief or treatment of, the weak, the skinny, the run-down, the tired-out, the worn-out, the nervous, the haggard, the pale, and the sickly and ailing,