The ephedrine inhalant compound was alleged to be adulterated in that it was sold under a professed standard and quality, namely, a profession that it was "Ephedrine Inhalant Compound, that Contains Ephedrine Alk. 1%", whereas it contained less than 1 percent of ephedrine alkaloid, namely, not more than 0.16 percent thereof; and that its strength fell below the professed standard and quality under which it was sold. It was alleged to be misbranded in that the carton and vial label bore the statements, "Ephedrine Inhalant Compound Contains Ephedrine Alk. 1%"; whereas it contained less than 1 percent of ephedrine alkaloid, namely, not more than 0.16 percent; and that therefore the statements aforesaid were false and misleading.

The cod-liver oil was alleged to be adulterated in that it was sold under the name "Cod Liver Oil", a name recognized in the United States Pharmacopoeia; that the standard of strength, quality, and purity for cod-liver oil as determined by the tests laid down in the pharmacopoeia at the time of the aforesaid shipment was 85 units of vitamin D per gram of cod-liver oil; and that the article contained less than 85 units of vitamin D per gram of cod-liver oil. It was alleged to be misbranded in that there was affixed to the bottle a label which bore the statement "Cod Liver Oil * * * U. S. P. 10th Revision"; that the standard of strength, quality, and purity for cod-liver oil official at the time of investigation of the article was that determined by the test laid down in a revision of the United States Pharmacopoeia, namely, Interim Revision Announcement No. 2, released January 1, 1935, and not the United States Pharmacopoeia tenth revision unrevised; that the article differed from the standard of strength, quality, and purity for cod-liver oil as determined by the tests laid down in the aforesaid revision of the pharmacopoeia; and that the aforesaid statement was false and misleading.

On May 28, 1937, a plea of guilty was entered on behalf of the defendant as to the counts relative to the compressed brown mixture lozenges, the Burrow's solution, and the ephedrine inhalant compound. On the same date a plea of nolo contendere was entered as to the remaining counts relative to the cod-liver oil. The court imposed a total fine of $220.

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

27358. Adulteration and misbranding of cod-liver oil. U. S. v. Sixteen 30-Gallon Drums of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 38909. Sample nos. 13042–C, 13043–C.)

This product was represented to conform to the standard laid down in the United States Pharmacopoeia, but fell below such standard and also below the standard declared on the label.

On January 7, 1937, 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 a libel praying seizure and condemnation of sixteen 30-gallon drums of cod-liver oil at Trumansburg, N. Y., alleging that it had been shipped in interstate commerce between the dates of April 12 and August 7, 1935, by McKesson & Robbins, Inc., from Bridgeport, Conn., to Horseheads, N. Y., that it had been reshipped to Trumansburg, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Midnight Sun * * * Cod Liver Oil (Crude Medicinal) U. S. P."

It 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 in the pharmacopoeia since samples were found to require more than 1 cubic centimeter of tenth-normal sodium hydroxide for the neutralization of 2 grams of the sample, to deposit stearin when immersed in a mixture of ice and distilled water for 5 hours, and to contain less than 85 U. S. P. units of vitamin D per gram; whereas the U. S. P. X. Interim Revision Announcement No. 2 requires that cod-liver oil shall not require more than 1 cubic centimeter of tenth-normal sodium hydroxide for the neutralization of a 2-gram sample; that it shall not deposit stearin when immersed in a mixture of ice and distilled water for 5 hours and shall not contain less than 85 U. S. P. units of vitamin D per gram. The 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, namely, "Each (Gram) Contains U. S. P. X. 1934 Revised * * * (95) Vit. D. Units."

The article was alleged to be misbranded in that the statements appearing on the package or label, "Superfine Poultry Cod Liver Oil * * * U. S. P. * * * Each (Gram) Contains U. S. P. X. 1934, Revised * * * (95)

Vit. D. Units", were false and misleading since they represented that it was cod-liver oil U. S. P., each gram of which contained U. S. P. X. 1934 revised 95 vitamin D units; whereas each gram contained a less amount.

On May 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27359. Misbranding of Rawleigh's All-Medicine Hog Mixture. U. S. v. 106 Pails and 60 Packages of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 38962. Sample nos. 19545–C, 19671–C, 19672–C).

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On January 18, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 pails, containing 25 pounds each, and sixty 6-pound packages of Rawleigh's All-Medicine Hog Mixture at Minneapolis, Minn., alleging that it had been shipped in interstate commerce on or about October 29, November 2, 16, and 24, 1936, by the W. T. Rawleigh Co., from Freeport, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of sodium chloride, sodium phosphate, sodium thiosulphate, sodium bicarbonate, sodium sulphate, ferrous sulphate, sulphur, charcoal, and extracts of plant drugs including a laxative drug.

It was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the label of the 25-pound pails and in a circular enclosed therewith, falsely and fraudulently represented that it was effective for stimulating the appetite and toning up the digestive processes in conditions of impaired nutrition for which an invigorating tonic is needed, and as a tonic for horses, cattle, sheep and mules; effective for fattening pigs and to keep pigs growing; was effective to stimulate the appetite and to keep the appetite good and the digestive organs vigorous; and certain statements on the retail can label of the 6-pound packages falsely and fraudulently represented that the article was effective to fatten hogs, brood sows, and shoats and pigs; to stimulate sluggish liver and to aid in overcoming intestinal indigestion; effective to prevent fermentation caused by fungi in the alimentary canal; effective in gastric intestinal bleeding, gastric ulcers, and chronic catarrh of the stomach; effective to soothe and to increase the flow of saliva, to relieve flatulency, and to promote digestion; effective as having a general laxative effect upon the skin and the linings of the stomach and as a mild stimulant; effective to destroy disease germs, to increase solubility of food, and to give relief from that form of indigestion which is accompanied by flatulency; effective to absorb gases, to purify the stomach and intestines, to prevent growth of disease germs by depriving them of moisture, to relieve pain in the stomach, and to aid the cure of fermentation, dyspepsia, and catarrh; effective to produce disease-resisting vitality and strength; effective as a highly concentrated tonic and alterative and stimulant; effective to tone up the system, to improve the appetite, to aid in the process of digestive assimilation and elimination, and to promote greater strength and more vigorous functional activity and health; effective to give greater vitality and natural power of resistance against disease; effective to guard against loss from disease; effective to keep the digestive tract alkaline, and thereby to aid in preventing the growth of necrotic and other types of enteritis bacteria.

On March 3, 1937, the W. T. Rawleigh Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

27360. Misbranding of Elco-Rub. U. S. v. 30 Jars of Elco-Rub. Default decree of condemnation and destruction. (F. & D. no. 38969. Sample no. 19674–C.)

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On January 19, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court