

fistula, founder laminitis, acute founder, inflammation of the laminae, laryngitis (inflammation of the throat), inflammation of the head or windpipe (larynx), muscular inflammation, inflammation of the muscles, poll evil (fistula of withers), quittor, all cases in which matter forms in the foot, splint, hard bony tumor, stifle lameness and strain of ligaments in animals; and effective to promote a new and sounder growth of the hoof. It was alleged to be misbranded further in that the statement in a booklet shipped with the article, "Absolutely Safe," was false and misleading since the article was not absolutely safe but contained cantharides, a blistering agent which rendered it unsafe.

On November 8, 1937, pleas of nolo contendere having been entered on behalf of the defendants, they were found guilty and sentenced to pay fines totaling \$200 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28324. Adulteration and misbranding of elixir sulfanilamide. U. S. v. 5 Gallons and 3 Pints of Elixir Sulfanilamide (and 24 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40526, 40534, 40557, 40558, 40561, 40562, 40563, to 40566, incl., 40572 to 40576, incl., 40605 to 40609, incl., 40611, 40629, 40633, 40636, 40720, 40721, 40859, 40860. Sample Nos. 21573-C, 24540-C, 24541-C, 39097-C, 39593-C, 43536-C, 43872-C, 43873-C, 44259-C, 44261-C, 44262-C, 47453-C, 47467-C, 48537-C, 49901-C, 49902-C, 49903-C, 54104-C, 56875-C, 57301-C, 57302-C, 57901-C, 57902-C, 58410-C, 58421-C, 61226-C, 62981-C, 62982-C, 62983-C, 64494-C, incl.)

This product was represented to be an elixir of sulfanilamide; whereas it consisted of sulfanilamide in a solution of 75 percent diethylene glycol, a poison, and 25 percent of water.

On October 20, 1937, and on various dates thereafter up to and including November 17, 1937, 25 libels were filed in 15 district courts by the United States attorneys of said districts, acting upon reports by the Secretary of Agriculture, praying seizure and condemnation of a total of 47 gallon bottles, 603 pint bottles, 12 8-ounce bottles, and 103 sample bottles of elixir sulfanilamide in various lots at New York, N. Y.; San Francisco, Calif.; San Juan, P. R.; Jackson, Miss.; Church Road and Richmond, Va.; Salisbury, Md.; Detroit, Highland Park, and Dearborn, Mich.; Alton, Cisne, and East St. Louis, Ill.; Fort Worth, Tex.; Williston and Hampton, S. C.; Waynesboro, Swainsboro, Wrens, and McDonough, Ga.; Bristol, Tenn.; and Kansas City, Mo. The libels alleged that the product, with the exceptions hereinafter referred to, had been shipped in interstate commerce from Bristol, Tenn., Kansas City, Mo., and New York, N. Y., by the S. E. Massengill Co., between the dates of September 4 and October 15, 1937. The lots seized at Bristol, Tenn., and Kansas City, Mo., had been returned to the S. E. Massengill Co. during the latter part of October and the early part of November 1937, by various individuals and firms to whom they formerly had been shipped by the S. E. Massengill Co., the goods having been returned under instructions of said company. One pint bottle seized was part of a lot which had been purchased from the S. E. Massengill Co. by the Meyer Bros. Drug Co. under a guaranty that the product complied with the Federal Food and Drugs Act and had been shipped by the latter firm from St. Louis, Mo., to East St. Louis, Ill., on or about October 5, 1937. The article was labeled in part: "Elixir Sulfanilamide * * * S. E. Massengill Company * * * Bristol, Tenn.-Va."

The libels alleged that the article was adulterated in that its purity fell below the professed standard under which it was sold, namely, "Elixir Sulfanilamide," since it was not an elixir of sulfanilamide but was a solution of sulfanilamide in a mixture of diethylene glycol and water.

It was alleged to be misbranded in that the statement on the bottle label, "Elixir Sulfanilamide," was false and misleading as applied to an article containing sulfanilamide dissolved in diluted diethylene glycol and in that the statement on the sticker attached to the bottle stopper, "Quality Pharmaceuticals," was false and misleading as applied to an article consisting of a solution of sulfanilamide in diluted diethylene glycol. One lot of the article was alleged to be misbranded further in that its label indicated that it was manufactured at Bristol, Tenn.-Va.; whereas that lot had been manufactured at Kansas City, Mo.

No claim was entered for the product. Between the dates of November 12, 1937, and April 13, 1938, judgments of condemnation were entered in all cases and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*