

81 percent and 82 percent, respectively, of the labeled amount; whereas the formulary provides that tablets of phenolphthalein shall contain not less than 92.5 percent of the labeled amount of phenolphthalein, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The said article was alleged to be misbranded in that the statement borne on the bottle label, "Tablets Phenolphthalein, 1 Grain," was false and misleading.

On December 13, 1937, pleas of nolo contendere having been entered by the defendants, they were each sentenced to pay a fine of \$25, totaling \$50 and costs.

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

**28333. Misbranding of Rinex. U. S. v. 31 Bottles of Rinex. Default decree of condemnation and destruction.** (F. & D. No. 40238. Sample No. 53463-C.)

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

On September 2, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 bottles of Rinex at New Iberia, La., alleging that the article had been shipped in interstate commerce on or about January 27, 1936, from Cleveland, Ohio, by Rinex Laboratories, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted of capsules and tablets, each capsule containing acetophenetidin (1 grain), aspirin (2.3 grains), quinine (0.2 grain), camphor, and a laxative plant drug. Each tablet contained sodium bicarbonate (3 grains).

The article was alleged to be misbranded in that the following statements in the labeling were statements regarding the curative and therapeutic effectiveness of the article, and were false and fraudulent: "Dr. Platt's Rinex Prescriptions Hay Fever Asthma Complete Relief Guaranteed in 24 hours Catarrh Head Colds Dr. Platt's Rinex Prescription is guaranteed to relieve Asthma, Hay Fever, Rose Fever and Catarrh in 24 hours. \* \* \* Head Colds: Rinex is guaranteed as in the foregoing to dispel Head Colds in 5 hours."

On October 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28334. Adulteration and misbranding of Vita-Mil. U. S. v. The Quaker Herb Co. and William Barth. Pleas of guilty. Fines, \$200 and costs.** (F. & D. No. 39797. Sample Nos. 13675-C, 15929-C, 16342-C, 22536-C, 22537-C, 48725-B.)

This product was represented to consist solely of substances derived from roots, herbs, and barks; whereas it contained a substantial amount of Epsom salt, a mineral drug. Portions of the product bore on the label statements and a device regarding its curative or therapeutic effects which were false and fraudulent.

On November 17, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Quaker Herb Co., a corporation, Cincinnati, Ohio, and William Barth, an officer of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 9 and December 3, 1935, from the State of Ohio into the States of Georgia and Florida of quantities of Vita-Mil which was adulterated and misbranded; and on or about April 2, July 28, and September 15, 1936, from the State of Ohio into the States of Florida and Mississippi of quantities of Vita-Mil which was misbranded. The article was labeled in part: "Vita-Mil \* \* \* Distributed by The Vita-Mil Company Charleston, W. Va."

Samples of the article were found upon analyses to consist essentially of Epsom salt (from 21 to 23 percent), extracts of plant drugs, including a laxative drug, and water, preserved with benzoic acid and sweetened with saccharin.

All shipments were alleged to be misbranded in that the statements appearing on the labeling of portions, "Made from roots, herbs and barks from all parts of the Earth," and statements appearing on the labeling of the remainder, "A medicine made from roots, herbs and barks and other medicinal in-