29261. Adulteration and alleged misbranding of Epsom salts, citrate of magnesia, and hydrogen peroxide. U. S. v. Larche Laboratories, Inc., Jack Rudolph, and Albert A. Larche. Pleas of guilty by individuals to charges of adulteration. Fines, $150 each. Misbranding charges against individuals and all charges against corporation dismissed by court. (F. & D. No. 40826. Sample Nos. 60559–C, 60570–C, 60573–C.)

These products were represented to be products recognized in the United States Pharmacopoeia, but differed from the standards laid down therein; and their own standards were not declared.

On June 17, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Larche Laboratories, Inc., Denver, Colo., and Jack Rudolph and Albert A. Larche, officers of the corporation, alleging shipments by said defendants in violation of the Food and Drugs Act, on or about August 30, October 9, and November 4, 1937, from the State of Colorado into the State of New Mexico, of quantities of Epsom salts, citrate of magnesia, and hydrogen peroxide, that were adulterated and alleged to be misbranded. The articles were labeled in part: "Epsom Salts, Magnesium Sulphate Larche Laboratories Denver"; "White Cross Hydrogen Peroxide Packed by Larche Laboratories Denver"; "Solution Citrate Magnesia."

The Epsom salts was alleged to be adulterated in that it was sold under names recognized in the United States Pharmacopoeia, and the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia required that it contain not less than 99.5 percent of magnesium sulphate; whereas the article differed from the said standard in that it contained less than 99.5 percent of magnesium sulphate and also contained a quantity of sodium sulphate, and no standard of strength, quality, and purity of the article was stated plainly or otherwise on the container. The Epsom salts was alleged to be misbranded in that the statements on the container, "Magnesium Sulphate Nature Made It Pure * * * These salts are guaranteed to be technically pure in every detail," were false and misleading, since the article was not pure magnesium sulphate but contained an admixture foreign to magnesium sulphate, namely, sodium sulphate.

The hydrogen peroxide was alleged to be adulterated in that it was represented to be "Hydrogen Peroxide U S P," a drug recognized in the United States Pharmacopoeia under the name "Solution of Hydrogen Peroxide," whose standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia required that it contain in each 100 cubic centimeters not less than 2.5 grams of hydrogen peroxide; whereas it contained not more than 0.78 gram of hydrogen peroxide per 100 cubic centimeters and therefore differed from the pharmacopoeial standard and its own standard of strength, quality, and purity was not stated plainly or otherwise on the container. It was alleged to be misbranded in that the statement "Hydrogen Peroxide" and the letters "U S P," borne on the label, were false and misleading since they represented that it contained the amount of hydrogen peroxide present in solution of hydrogen peroxide of United States Pharmacopoeial standard; whereas it contained less hydrogen peroxide than is contained in such a solution.

The solution citrate of magnesia was alleged to be adulterated in that it was sold under the names, "Citrate of Magnesia" and "Solution Citrate of Magnesia," names which were recognized in the United States Pharmacopoeia official at the time of investigation, and the standard of strength, quality, and purity for which, as determined by the test laid down in said pharmacopoeia required that it contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams and not more than 1.9 grams of magnesium oxide, and in each 10 cubic centimeters citric acid equivalent to not less than 26 cubic centimeters of half-normal hydrochloric acid; whereas the article differed from the said standard since it contained magnesium citrate corresponding to not more than 1.33 grams of magnesium oxide per 100 cubic centimeters, and citric acid equivalent to not more than 22.1 cubic centimeters of half-normal hydrochloric acid per 10 cubic centimeters, and no standard of strength, quality, and purity of the article was stated plainly or otherwise on the container. The article was alleged to be misbranded in that the statement on the label, "Solution Citrate of Magnesia" was false and misleading since it contained less magnesium oxide and less citric acid than are contained in solution citrate magnesium of United States Pharmacopoeial standard.

On July 21, 1938, Jack Rudolph and Albert A. Larche having entered pleas of guilty to the said charges of adulteration, the court sentenced them to pay fines in the total amount of $300, and dismissed the misbranding charges against them. All charges were dismissed against the defendant Larche Laboratories, Inc.

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

29262. Misbranding of Minnequa Water. U. S. v. 120 Bottles and 476 Bottles of Minnequa Water. Default decrees of condemnation and destruction. (F. & D. Nos. 42456, 42457. Sample No. 7930–D.)

The labeling of this product bore false and fraudulent curative or therapeutic claims; and failed to bear a statement of the quantity of contents of the bottles.

On May 24, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 596 bottles of Minnequa Water at Bayonne, N. J.; alleging that the article had been shipped in interstate commerce on or about April 18, 1938, from Canton, Pa., by Minnequa Springs; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was a lightly mineralized water of the bicarbonate type.

It was alleged to be misbranded under the provisions of the law applicable to drugs in that the following statements borne on the label were statements regarding its curative or therapeutic effects and were false and fraudulent: "Keeps Blood and Excretions Alkaline, Increases Metabolism and Promotes Tissue Repair, Enhances the Action of Saliva, Bile and Intestinal Juices. Aids Interchange of Gasses in the Tissues and Lungs by Acting as Carbonic Acid Carriers. Indicated in Acid Dyspepsia, Constipation, Gall Stones, Gravel, Gout, Diabetes, Skin Eruptions, Rheumatism, Neuritis and Obesity." It was alleged to be misbranded further under the provisions of the law applicable to food in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

29263. Misbranding of Van-Tage. U. S. v. Van-Tage Medicine Co., Inc., Gilbert H. Mosby, and Ray H. Huber. Pleas of guilty. Fine, $100 each. (F. & D. No. 38018. Sample No. 45728–B.)

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

On November 16, 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 an information against Van-Tage Medicine Co., Inc., Los Angeles, Calif., and Gilbert H. Mosby and Ray H. Huber, officers of the said corporation, alleging shipment by said defendents in violation of the Food and Drugs Act as amended, on or about November 22, 1935, from the State of California into the State of Colorado of a quantity of Van-Tage that was misbranded. The article was labeled in part: "Van-Tage Medicine for internal use * * * Van-Tage Medicine Co., Inc., Los Angeles * * * Cincinnati."

Analysis of a sample of the article showed that it consisted of the following: Water (91.0 percent), glycerin (6.25 percent), sugars (0.8 percent), salicylic acid (0.2 percent), benzoic acid (0.15 percent), caramel (1.0 percent), pepsin (0.1 percent), potassium iodide (0.1 percent), material derived from plant drugs including resins, flavoring, and coloring (by difference, 0.4 percent). These findings represented the ingredients found in the preparation. The amount was not the same for all samples examined.

The article was alleged to be misbranded in that statements in the labeling falsely and fraudulently represented its curative and therapeutic effectiveness as a treatment, remedy, and cure for sick and ailing people; its effectiveness to restore health, to regain health, to make millions of sick people feel better, to have beneficial action upon millions of half-living men and women racked with pain, unable to eat and drink or enjoy the fullness of life, and to act upon the upper organs and bloodstream; its effectiveness as a treatment, remedy, and cure for any decided sluggish condition, stomach pains, stomach, bowel, liver and kidney ills, stomach gas, bloating, and kindred ailments; and its effec-