

Misbranding was alleged in that the statement "Kill-Germ" was false and misleading since the article was not a germicide. Further misbranding was alleged in that certain statements on the carton and the bottle label regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a healer, germicide, and blood purifier, and that it was effective in curing rheumatism, coughs, asthma, indigestion, catarrhal bronchitis, catarrh of the stomach, ulcerated stomach, sores, burns, boils, carbuncles, felons, cuts, ringworm, erysipelas, gaulds, piles, hemorrhoids, and any inflammation of the mucous membranes, eye, ear, nose, or throat.

On January 20, 1939, the defendant entered a plea of guilty and was sentenced to pay \$25 in lieu of fine and costs on count I and \$0.01 in lieu of fine and costs on the remaining five counts of the information.

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

30228. Adulteration and misbranding of arsenous acid and diluted hydriodic acid. U. S. v. Mallinckrodt Chemical Works. Plea of nolo contendere. Fine, \$100. (F. & D. No. 38066. Sample Nos. 71880-B, 71889-B.)

These products differed from the standard laid down in the United States Pharmacopoeia, the former being deficient in arsenic trioxide and containing excessive impurities; and the latter containing hydriodic acid in excess of the amount required by that authority.

On August 10, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mallinckrodt Chemical Works, a corporation trading at New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about February 25 and March 24, 1936, from the State of New York into the State of New Jersey of quantities of arsenous acid and diluted hydriodic acid, which were adulterated and misbranded.

The arsenous acid was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down therein, since it contained less than 99.8 percent, namely, not more than 99.4 percent of arsenic trioxide. The residue remaining upon ignition of 1 gram was more than 0.1 percent, namely, not less than 0.26 percent; 1 gram of the article when treated with 10 cubic centimeters of ammonia T. S. did not give a clear, colorless solution, some of the material having been undissolved; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Misbranding was alleged in that the statement on the label, "Acid Arsenous U. S. P. Powdered Arsenic Trioxide," was false and misleading.

The diluted hydriodic acid was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein, since it contained more than 10.5 percent, namely, not less than 15.6 percent of hydriodic acid; whereas the pharmacopoeia provides that the article shall contain not more than 10.5 percent of hydriodic acid and the standard of strength, quality, and purity of the article was not declared on the container. Misbranding was alleged in that the statement on the label, "Acid Hydriodic U. S. P. diluted (9½-10½%)," was false and misleading.

On October 31, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100.

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

30229. Adulteration and misbranding of Harosma and Elco Cold Treatment; misbranding of Mrs. Bee Hypo Tonic Pills, Furmas, Rx 333, Mrs. Bee Health Anodyne Capsules, and Sexol Tablets. U. S. v. David F. Berland, Archie Berland, and Rose Kottenberg (Erie Laboratories). Pleas of nolo contendere. Judgment of guilty. Fine, \$50. (F. & D. No. 39754. Sample Nos. 13145-C, 37207-C, 37208-C, 37212-C, 37213-C, 37221-C to 37224-C, inclusive.)

The labeling of these products, with the exception of the Elco Cold Tablets, bore false and fraudulent representations regarding their curative and therapeutic effects. The Harosma and the Elco Cold Tablets contained less phenacetin than declared; and Mrs. Bee Health Anodyne Capsules contained acetanilid, which was not declared on the label.