* * * etc.," since it was not sterile but was contaminated with viable micro-organisms and the first shipment contained but a mere trace of boric acid.

Misbranding was alleged in that the following statements were false and misleading when applied to an article which was not sterile but was contaminated with viable micro-organisms and one lot of which contained but a mere trace of boric acid: (First shipment, carton) "Borated," (circular) "Twin-Tips are manufactured from highest grade sterilized cotton under a process that assures you the most sanitary swab obtainable. * * Twin-Tips are made and packed by machine without the touch of hand and are borated by a special process"; (second shipment, carton) "There are many uses for Twin-Tips; for the baby, sick room, medicine chest * * * applying medication to * * * cuts * * * etc."

On October 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30975. Misbranding of Claassen Health Yeast. U. S. v. National Yeast Co., Inc., George C. Claassen, Cal C. Claassen, and Frank C. Burk. Pleas of nolo contendere. Defendants each fined $100 and costs. Payment of fines and costs imposed on individuals suspended. (F. & D. No. 40783. Sample Nos. 31738–C, 31739–C.)

This product bore in its labeling false and fraudulent curative and therapeutic claims. It also was represented to consist wholly of yeast, whereas it consisted in part of ingredients other than yeast.

On June 22, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Yeast Co., Inc., Findlay, Ohio, and George C. Claassen, Carl C. Claassen, and Frank C. Burk, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about June 5, 1937, from the State of Ohio into the State of Tennessee of a quantity of Claassen Health Yeast that was misbranded.

Biological tests showed that the article contained less than 2 International Units of vitamin B_1, not more than 50 U. S. P. units of vitamin A, and approximately 10 U. S. P. units of vitamin D per gram. Microscopical examination showed the presence of the following ingredients: Ground corn and cornstarch, wheat tissues (bran), and starch, embryo tissues (germ) apparently from cereals, yeast cells, crystalline sucrose (sugar), crystalline dextrose hydrate (corn sugar), and a trace of hop tissues.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects appearing on the cartons and circulars falsely and fraudulently represented that it was effective as a health yeast; as conducive to better health and a clear skin; as a treatment, remedy, and cure for indigestion, acid stomach, bad breath, piles, skin blemishes, diarrhoea, stunted growth, loss of weight, loss of appetite, malnutrition, anemia, diabetes, nervousness, mental disturbances, sleeplessness, low vitality, general rundown feeling, tuberculosis, decaying teeth and other indications of vitamin deficiency; effective to promote growth, appetite, and digestion; to increase vitality, and to protect against all infections, notably of the eyes, air passages, and intestinal tract; effective to resist formation of stones in kidneys and bladder; to insure proper digestion and assimilation and discharge of waste matter, to tone muscles and nerves of the digestive system, to relieve constipation and its many serious consequences, and to insure to mothers normal reproduction and lactation; effective as a treatment, remedy, and cure for malformation of teeth and general muscular weakness in children, and to maintain healthful bone and tooth conditions in adults; effective to protect against alimentary disturbances, diarrhoea, skin blemishes, soreness of tongue and mouth, and nervous and mental disorders; effective to produce normal blood and enzymes required by nature for proper digestion and other chemical processes within the body; effective as a builder; effective to aid such disorders as impure blood and nerve troubles caused by lack of sufficient vitamins; effective to tone up flabby muscles, weak nerves and over-worked glands; to correct conditions caused by vitamin deficiency, and numberless ailments both ordinary and serious from this cause; and effective to restore a natural condition.

It was alleged to be misbranded further in that the statement "Yeast," appearing in the circular and on the carton, was false and misleading since

it represented that the article consisted wholly of yeast; whereas it did not so consist but did consist in part of ingredients other than yeast.

On September 28, 1939, pleas of nolo contendere having been entered on behalf of the defendants, the court entered judgment finding the defendants guilty as charged. The National Yeast Co. was sentenced to pay a fine of $100 and costs. Each of the three individual defendants was sentenced to pay a fine of $100 and costs, but payment of fines imposed on the individuals was suspended.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30976. Alleged adulteration and misbranding of Adrenapit (solution epinephrine chloride 1:1000), solution of pituitary extract, and suprarenals. U. S. v. Harvey-Pittenger Co. Tried to the court without a jury. Judgment of not guilty. (F. & D. No. 39737. Sample Nos. 8226–C to 8229–C, incl.)

Action was instituted in this case on the charge that the products failed to conform to the standard established by the United States Pharmacopoeia or by the National Formulary, and that their potency was below that declared on the labels.

On July 22, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Harvey-Pittenger Co., a corporation, Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act on or about August 4, 1936, from the State of Pennsylvania into the State of North Carolina, of quantities of the above-named drugs which were adulterated and misbranded.

The Adrenapit (solution epinephrine chloride 1:1000) was alleged to be adulterated in that it was sold under and by 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 in the pharmacopoeia official at the time of investigation in that it contained not more than 67 percent of the potency required for solution of epinephrine hydrochloride prescribed in the pharmacopoeia and its standard of strength, quality, and purity was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard of strength and quality under which it was sold in that it was represented to be solution of epinephrine chloride 1:1000; whereas it was not solution epinephrine chloride of the potency 1:1000. It was alleged to be misbranded in that the statements (carton and bottle), "Solution Epinephrin Chloride 1:1000 Physiologically Standardized. A * * * physiologically standardized solution of the isolated blood-pressure-raising principle of the suprarenal glands. Adrenapit is * * * A Potent, Uniform, Dependable Preparation," (booklet) "(Solution Epinephrine Chloride 1:1000) A * * * Potent, Uniform Dependable Standardized solution of the blood-pressure-raising principle of the Suprarenal Gland * * * Adrenapit * * * is a * * * solution of the isolated blood-pressure-raising principle of the suprarenal glands. * * * It is adjusted to a definite physiologic activity by its quantitative effect on the blood pressure of dogs as compared with a standard. * * * A potent, Uniform, Dependable, Preparation. * * * it is of definite strength," were false and misleading since the article was not a solution of epinephrine chloride of strength 1:1000, it was not physiologically standardized; it was not a physiologically standardized solution of the isolated blood-pressure-raising principle of the suprarenal glands, it was not a potent, uniform, dependable preparation, and it was not of definite strength, in that it was a preparation materially deficient in potency.

The solution of pituitary extract 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 in the said pharmacopoeia in that 1 cubic centimeter of the article produced an activity upon the isolated uterus of the virgin guinea pig corresponding to less than 80 percent of that produced by 0.005 gram of the standard powdered posterior pituitary, namely, an activity corresponding to 45 percent of that produced by 0.005 gram of the standard powdered posterior pituitary; whereas the pharmacopoeia provides that 1 cc. of solution pituitary extract shall produce an activity upon the isolated uterus of the virgin guinea pig corresponding to not less than 80 percent of that produced by 0.005 gram of standard powdered posterior pituitary. It was alleged to be misbranded in that the statements (carton and bottle), "Solution of Pituitary Extract. A * * * solution of the extract of the posterior lobe of