FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICE OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

31157

DRUG

The case reported herewith was instituted in the United States District Court for the Northern District of Ohio, acting upon a report submitted by direction of the Secretary of Agriculture.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

Washington, D. C., January 12, 1943.

157. Adulteration and misbranding of Dr. Mary E. Stewart's Antiseptic Powder. U. S. v. American Pharmaceutical Co., Inc. Plea of guilty. Fine, $900. (F. & D. No. 39497. Sample Nos. 27801–C, 27802–C.)

This product when used as directed was not an antiseptic as claimed and its labeling bore false and fraudulent curative and therapeutic claims.

On January 18, 1939, the United States attorney for the Southern District of New York filed an information against the American Pharmaceutical Co. Inc., New York, N. Y., alleging shipment in interstate commerce on or about June 17 and July 3, 1936, from the State of New York into the State of New Jersey of quantities of the above-named product which was adulterated and misbranded.

Analysis of a sample of the article showed that it consisted essentially of boric acid, zinc sulfate, and a small amount of flavoring oil.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be of the standard and quality of an antiseptic when used pursuant to instructions given in the labeling; whereas it was not of such standard when so used.

It was alleged to be misbranded in that the statement, "Antiseptic * * * Dissolve two level teaspoonsful in a little boiling water, then add two quarts of luke warm water. Use as a douche," borne on the label, was false and misleading since it was not an antiseptic when so used. It was alleged to be misbranded further in that the statements, "Protect your Health" and "Used in the treatment of the inflamed conditions of the Vaginal Mucous Membrane, Catarrhal infection, Leucorrhoea, Pruritis discharges," borne on the label, were false and fraudulent since it represented that it would not be effective to protect the health and would not produce the curative and therapeutic effects mentioned in said statements.

On March 25, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $150 on each of the 6 counts, totaling $900.

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ERRATA SLIP

Notice of Judgment No. 31157, line 2, *Northern District of Ohio* should read *Southern District of New York*.