

from fresh halibut livers biologically standardized, were false and misleading, since it was not halibut liver oil plain, but was a mixture of various fish-liver oils. It was alleged to be misbranded further in that it was offered for sale under the name of another drug.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

### **DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS<sup>2</sup>**

#### **DRUGS ALSO FAILING TO BEAR REQUIRED INGREDIENT STATEMENT**

**175. Misbranding of San-Yak K-L-B Pills. U. S. v. 9 Bottles of Dr. Burnham's San-Yak K-L-B Pills. Default decree of condemnation and destruction. (F. D. C. No. 1817. Sample No. 5761-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Moreover, its label failed to bear a statement of the quantity of contents and also failed to bear a statement of the active ingredients contained in the product.

On April 20, 1940, the United States attorney for the Southern District of Indiana filed a libel against nine bottles of the above-named product at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by the Lee Chemical Co. from Birmingham, Mich.; and charging that it was misbranded.

Analysis showed that the article consisted chiefly of plant extractives including cinchona alkaloids, sandalwood, and emodin-bearing drugs; and magnesium, calcium, and iron salts.

The article was alleged to be misbranded in that its labeling bore representations that it would be efficacious to reduce sugar in the blood and urine, that it would be efficacious in frequent urination and for aches and pains in the back or joints and piles; that rheumatism, sugar in the blood, and high blood pressure are frequently caused by the improper functioning of the kidneys and liver, and that one pill taken daily would often be found beneficial in correcting these disorders; that it was an efficacious remedy for kidney, liver, and bladder disorders; that it had been used over 45 years by Dr. Burnham, a well-known specialist, who had devoted many years to the treatment of persons afflicted with kidney, liver and bladder disorders, which representations were false and misleading since the article was not efficacious for the purposes recommended. It was alleged to be misbranded further in that the representations in the labeling that each and all of the 15 ingredients used in the composition of the product were neither misbranded nor adulterated within the meaning of the pure food and drug act, was false and misleading. It was alleged to be misbranded further in that it was in package form and its label failed to bear a statement of the quantity of contents; and in that its label failed to bear a statement of the active ingredients contained in the preparation.

On June 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**176. Misbranding of Dr. Stover's Golden Oil. U. S. v. Six 2-Ounce Bottles and Six 6-Ounce Bottles of Dr. Stover's Golden Oil. Default decree of condemnation and destruction. (F. D. C. No. 2028. Sample No. 4929-E.)**

This product contained a smaller proportion of chloroform than that declared, and its labeling bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On May 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against the above-named quantities of Dr. Stover's Golden Oil at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, by the Planet Products Co. from Orlando, Fla.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil, oil of turpentine, oil of mustard, and chloroform (0.88 minims per fluid ounce) together with a coloring material.

Misbranding was alleged in that the labeling of the article bore representations that it was an anti-pain remedy, would stop pain and colds instantly, that it would be efficacious to rub out all bodily aches, pains, lameness and swelling;

<sup>2</sup> See also N. J. Nos. 141-143, 150, 155, 160, and 171.