

in that the statements on the label and carton quoted hereinbefore were false and misleading since they were incorrect.

On January 7, 1942, the sole intervenor having withdrawn its appearance, judgment of condemnation was entered and the product was ordered destroyed.

**681. Adulteration and misbranding of Coreco Vitamins A-B,-G-D Capsules. U. S. v. 512 Boxes of Coreco Vitamins A-B,-G-D Capsules. Default decree of condemnation and destruction. (F. D. C. No. 6777. Sample No. 23110-E.)**

Each of these capsules was represented to contain 50 International Units of vitamin B<sub>1</sub> and 1,000 U. S. P. units of vitamin D; whereas examination showed that they contained less than 12.5 International Units of vitamin B<sub>1</sub> and not more than 850 U. S. P. units of vitamin D.

On January 29, 1942, the United States attorney for the Northern District of California filed a libel against the above-named product at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about May 25, 1940, by the International Vitamin Corporation from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, namely, 50 International Units of vitamin B<sub>1</sub> and 1,000 U. S. P. units of vitamin D per capsule, since it contained smaller amounts of both vitamins.

It was alleged to be misbranded in that the following statements were false and misleading since when taken in the dosage of 1 capsule per day as directed, it would not furnish "moderate amounts" of vitamins B<sub>1</sub> and G: "Biologically Assayed and Standardized \* \* \* each capsule contains not less than: \* \* \* 1,000 U. S. P. Units of Vitamin D, 50 International Units of Vitamin B<sub>1</sub> (approx. 100 Chase-Sherman Units) \* \* \* Each capsule is equivalent in U. S. P. Units of Vitamins \* \* \* D to not less than 3 teaspoonfuls of Cod Liver Oil U. S. P., assaying \* \* \* 85 Vitamin D Units per gram. Each capsule furnishes \* \* \* moderate amounts of Vitamin B<sub>1</sub> and G to supplement the supply of these vitamins contained in the diet."

It also was alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3425.

On March 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING STATEMENTS IN THE LABELING<sup>3</sup>**

**682. Misbranding of Castoria and Crompton's Liniment. U. S. v. Charles Crompton & Sons, Inc., and George Crompton. Pleas of guilty. Fines, \$20. (F. D. C. No. 5539. Sample Nos. 36263-E, 36861-E.)**

The labeling of these products bore false and misleading curative and therapeutic claims, and the labeling of Crompton's Liniment failed to bear the common or usual names of the active ingredients.

On January 19, 1942, the United States attorney for the District of Massachusetts filed an information against Charles Crompton & Sons, Inc., Lynn, Mass., and George Crompton, alleging shipment on or about December 4 and 5, 1940, from the State of Massachusetts into the State of Vermont of quantities of Castoria and Crompton's Liniment which were misbranded.

Analyses of samples of the articles showed that the Castoria consisted of sugar, alcohol, water, methyl salicylate, oil of anise, Rochelle salt, and plant extractives including senna; and that Crompton's Liniment consisted of a fatty oil and volatile oils including camphor, methyl salicylate, and probably eucalyptol.

The Castoria was alleged to be misbranded in that representations in the labeling that it was a remedy for regulating stomach and bowels; was especially useful in convulsions, colic, feverishness, diarrhea, sour stomach, loss of sleep, and worms; and that it would aid digestion and promote rest, were false and misleading since it would not be efficacious for such purposes.

Crompton's Liniment was alleged to be misbranded in that representations in the labeling that it would be efficacious in the treatment of rheumatic pains, numbness of the limbs, contraction of the muscles, pains in the side, chest, and back, hoarseness, sore throat, quinsy, and common and severe cases of headache, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that it was fabricated from two or more

<sup>3</sup> See also Nos. 657-659, 661, 662, 664, 665, 667, and 668.

ingredients, and its label did not bear the common or usual name of each active ingredient.

On February 21, 1942, pleas of guilty were entered and the court imposed a fine of \$10 on each of the defendants.

**683. Misbranding of Life Line Tonic. U. S. v. John B. Kori (United States Remedy Co.).** Plea of *nolo contendere*. Fine of \$100, and sentence of 6 months' imprisonment. Sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 5474. Sample No. 40426-E.)

The labeling of this product bore false and misleading claims regarding its therapeutic efficacy and its ingredients. It also failed to declare the kind and proportion of alcohol that it contained.

On September 15, 1941, the United States attorney for the Southern District of Florida filed an information against John B. Kori, trading as United States Remedy Co., Jacksonville, Fla., alleging shipment on or about October 17, 1940, from the State of Florida into the State of Pennsylvania of a quantity of Life Line Tonic which was misbranded.

Analysis showed that the article consisted of a water-glycerin solution containing large amounts of Epsom salt, smaller amounts of sodium sulfate and sodium phosphate and small amounts of quinine, iron, caffeine, saccharin and plant extractives including emodin.

The article was alleged to be misbranded: (1) "In that statements in the labeling which represented that it would be efficacious in the treatment of sour stomach, biliousness, colic, cramps due to gas, and temporary listlessness; that it would be beneficial in malarial and feverish conditions due to chills and colds; would check chills and malarial fever; would build resistance; would be efficacious in the treatment of colds, stuffiness of nasal passages, simple headache, neuralgia, and malarial fever; that it would be efficacious to keep the system clean and invigorated; and would be efficacious in the treatment of simple headache due to occasional constipation and neuralgia; that the distress and misery of common colds would generally be relieved within a few hours by it; that it would not be habit-forming; that it was a tonic and possessed value as a treatment in emergencies, as suggested by the name "Life-Line," were false and misleading since it would not be efficacious for such purposes, and might be habit-forming, i. e., might form the laxative habit. (2) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient, including the quantity, kind, and proportion of alcohol that it contained, since the common or usual name of each active ingredient and the quantity, kind, and proportion of alcohol did not appear on the outside container, namely, the carton. (3) In that the statement, "Active Ingredients—Ext. of Leaves and Flowering tops of Eupatorium Perfoliatum (Boneset), Extract Sacred tree bark (Rhamnus Purshiana) Sodium Phosphate, Sodium Sulphate, Iron & Ammonium Citrate, May Apple (Mandrake), Magnesium Sulphate (Epsom Salts), Citrated Caffein, Citric Acid, Quinine Sulphate, other ingredients," represented and suggested that it contained each of said ingredients and substances in amounts sufficient to be of therapeutic importance; whereas it did not contain boneset, iron and ammonium citrate, and citric acid in amounts which were therapeutically important.

On January 5, 1942, the defendant having entered a plea of *nolo contendere*, the court imposed a fine of \$100 and a sentence of 6 months' imprisonment. The jail sentence was suspended and the defendant was placed on probation for 1 year.

**684. Misbranding of Venus Tablets. U. S. v. David Clarence Overpeck (Thoro Sales Service).** Plea of *nolo contendere*. Fine, \$50. (F. D. C. No. 5543. Sample Nos. 30305-E, 31965-E.)

The label of this product bore false and misleading claims regarding its efficacy in the control of weight, and the bottle occupied only approximately 55 percent of the capacity of the carton.

On February 26, 1942, the United States attorney for the Southern District of California filed an information against David Clarence Overpeck, trading as Thoro Sales Service at Los Angeles, Calif., alleging shipment on or about May 6 and September 22, 1940, from the State of California into the State of Illinois of quantities of Venus Tablets that were misbranded.

Analyses of samples of the article showed that it was essentially a vegetable laxative containing rhubarb root, kelp, and other vegetable tissues.

The article was alleged to be misbranded: (1) In that the designation "Venus Tablets" on the bottle label and carton, the design of a slender woman, and