DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ACCURATE STATEMENT OF QUANTITY OF CONTENTS*

1000. Misbranding of tincture of iodine. U. S. v. 110 Dozen Bottles of Tincture of Iodine. Decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 8612. Sample No. 22927-F.)

Examination showed that the average quantity of tincture of iodine contained in the bottles was 2.065 drams. The maximum amount found was 2.49 drams, and the minimum quantity was 1.72 drams.

On October 17, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 110 dozen bottles of tincture of iodine at Philadelphia, Pa., alleging that the article had been shipped on or about August 4, 1942, from New York, N. Y., by the Peerless Pharmacal Co.; and charging that it was misbranded in that its label failed to bear an accurate statement of the quantity of the contents. The article was labeled in part: "U. S. P. Tincture Iodine * * * 2¼ Dram."

On November 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 951–1000

PRODUCTS

SHIPPERS AND MANUFACTURERS

*See also Nos. 954, 956, 961, 976.

[1] Prosecution contested.

[2] Seizure contested. Contains opinion of the court, findings of fact, and conclusions of law.

N. J. D. D. N. J., F. D. C. 1001–1050 Issued March 1945

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1001–1050

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

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

WASHINGTON, D. C., *December 12, 1944.*

CONTENTS*

DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

1001. Action to enjoin and restrain distribution of Sekov products. U. S. v. Sekov Corporation and Hazel Ruth Vokes (Sekov Studios). Permanent injunction granted. (Inj. No. 53.)

On April 17, 1943, the United States attorney for the Southern District of California filed a complaint for injunction against the Sekov Corporation and Hazel Ruth Vokes, trading under the name of the Sekov Studios, Hollywood, Calif. (The complaint also joined as party defendant Edwin Hoskin Vokes, but after hearing, the court ruled that it did not have jurisdiction over that person.)

The complaint alleged: (1) That the defendants were engaged in the manufacture of various capsules which contained desiccated thyroid, which were designated by the names "Sekov," "Sekov Reducer," "Sekov Reducer for Men," "Sekov Formula P," "Sekov Formula R," and "Sekov Formula T," and which were being introduced and delivered for introduction into interstate commerce in capsule form, for sale to the general public for self-medication in the treatment of obesity.

(2) That "Sekov" and "Sekov Reducer" each consisted of two types of capsules, designated as Capsule No. 1 and Capsule No. 2; that the No. 1 capsules contained glandular material including thyroid, the thyroid content varying from 1.87 grains to 2 grains per capsule, the recommended dosage suggested being 1 capsule before the noon meal; that the No. 2 capsules contained rhubarb, cascara sagrada, asafetida, and other ingredients, the recommended dosage being 1 capsule every other night (just before retiring); that the "Sekov Reducer for Men" consisted of 2 types of capsules, the No. 1 containing, in addition to other ingredients, thyroid and aloin, the thyroid content varying from 1.84 grains to 1.95 grains per capsule, the dosage recommended being "One capsule morning and one capsule evening (preferably half to one hour before meals)"; that the No. 2 capsule was identical with the "Sekov Reducer" No. 2 capsule, and the dosage recommended was "One capsule every night (just before retiring)"; that the "Sekov Formula P" contained, in addition to other ingredients, thyroid in an amount of approximately 1.73 grains per capsule; that the "Sekov Formula R" contained ingredients similar to the "Sekov Formula P," with a thyroid content of approximately 1 grain per capsule; that the "Sekov Formula T" contained ingredients similar to the "Sekov Formula P," with a thyroid content of 1.87 grains per capsule; and that the dosages recommended in the labeling of formulas "P," "R," and "T," were identical, "One capsule per day—taken ½ to 1 hour before morning meal."

*For omission of, or unsatisfactory, ingredients statements, see Nos. 1003, 1005, 1009, 1010, 1011, 1022, 1043, 1044; deceptive packaging, Nos. 1003, 1011; failure to bear accurate statement of quantity of contents, Nos. 1003, 1009, 1010, 1033, 1034, 1040, 1043, 1047, 1049; contamination with filth, No. 1011; cosmetics, subject to the drug provisions of the Act, Nos. 1021, 1040, 1043, 1047.