

pendium provides that blue ointment shall contain not more than 11 percent of Hg (mercury), and shall be so compounded and prepared that the globules of mercury are not visible under a lens magnifying 10 diameters, whereas the article contained mercury in amounts varying from 28.8 percent to 55.3 percent, and globules of mercury were easily visible in the article under a magnification of 10 diameters; and its difference in strength and quality from the standard set forth in the compendium was not stated on its label.

The article was alleged to be misbranded (1) in that the statement in its labeling, "Blue Ointment (Mild Mercurial, U. S. P.)," was false and misleading; (2) in that its label bore no direction for use; and (3) in that its label failed to bear adequate warnings against use whereby it might be dangerous to health, and against unsafe methods of application, since the article may cause irritation of the skin and its application to large areas may cause serious mercurial poisoning, and the label did not bear warnings in such manner and form as are necessary for the protection of users.

On August 25, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$300.

1057. Misbranding of Korjena. U. S. v. 25 Gross Packages of Korjena (and 26 other seizure actions against Korjena). Decrees of condemnation and destruction. (F. D. C. Nos. 9113, 9276 to 9278, incl., 9331, 9335, 9381, 9402, 9415, 9425, 9516, 9522, 9544, 9555, 9557, 9586, 9597, 9720, 9732 to 9734, incl., 9753, 9754, 9781, 9782, 9812, 9824. Sample Nos. 711-F, 734-F, 1383-F, 1384-F, 3555-F, 3593-F, 6095-F, 7698-F, 8694-F, 13925-F, 14805-F, 16141-F, 20164-F, 20504-F, 21470-F, 21673-F, 23334-F, 28169-F, 31973-F, 32488-F, 32489-F, 37633-F, 44590-F, 44616-F, 44619-F, 44621-F.)

Between January 5 and April 23, 1943, the United States attorneys for the Southern District of California, the Eastern and Western Districts of Missouri, the Eastern and Western Districts of Pennsylvania, the Eastern and Western Districts of Michigan, the Southern District of Florida, the Northern and Southern Districts of Ohio, the Northern District of Illinois, and the Districts of Minnesota, Colorado, Rhode Island, New Jersey, Connecticut, and Massachusetts filed libels against the following quantities of Korjena: 348 dozen packages at Los Angeles, Calif.; 239 $\frac{1}{4}$ dozen packages at Kansas City, Mo.; 63 $\frac{1}{2}$ dozen packages at Philadelphia, Pa.; 11 $\frac{3}{4}$ dozen packages at Erie, Pa.; 9 $\frac{1}{2}$ dozen boxes at Minneapolis, Minn.; 132 dozen packages at Detroit, Mich.; 21 $\frac{1}{6}$ dozen packages at Denver, Colo.; 3 $\frac{3}{8}$ dozen packages at Pawtucket, R. I.; 42 dozen packages at Tampa, Fla.; 26 dozen packages at Jersey City, N. J.; 11 $\frac{3}{8}$ dozen packages at Cincinnati, Ohio; 151 $\frac{3}{4}$ dozen packages at Chicago, Ill.; 30 $\frac{1}{6}$ dozen packages at West Haven, Conn.; 473 $\frac{1}{2}$ dozen packages at Grand Rapids, Mich.; 8 dozen packages at Newark, N. J.; 10 $\frac{1}{12}$ dozen packages at Boston, Mass.; 25 $\frac{3}{4}$ dozen packages at Cleveland, Ohio; 14 $\frac{1}{6}$ dozen packages at St. Paul, Minn.; 20 $\frac{3}{4}$ dozen packages at Youngstown, Ohio; 40 $\frac{5}{12}$ dozen packages at St. Louis, Mo.; and 37 $\frac{1}{2}$ dozen packages at Passaic, N. J. It was alleged that the article had been shipped within the period from on or about August 4, 1942, to March 5, 1943, from Elmira, N. Y., by the Korjena Medicine Co.; and it was charged that it was misbranded.

Examination showed that the article was in the form of tablets which consisted essentially of phenolphthalein (1 grain per tablet), calcium carbonate, material derived from bile, and calcium iodide.

The article was alleged to be misbranded in that the following statements appearing in its labeling, "A Dependable Treatment for the Reduction of Excessive Fat * * * This Treatment is Guaranteed Dependable and may be taken with Complete Confidence * * * Especially in overweight cases of long standing these tablets should be faithfully taken regularly as directed. Two or three packages are usually required for the best results * * * This treatment is dependable in normal conditions. * * * All normal cases of excessive weight may confidently follow above directions. * * *," were false and misleading since the article was not a dependable, safe, and adequate treatment for the reduction of excess fat or weight. It was alleged to be misbranded further in that its label failed to bear adequate directions for use, since the article was a laxative and the directions which appeared in the labeling provided for continuous administration, whereas a laxative should not be used continuously; and in that its labeling failed to warn that the article should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis are present; that frequent or continued use of the article might result in dependence upon laxatives; and that if a skin rash should appear its use should be discontinued.

Between February 13 and August 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.