

**1232. Misbranding of "666." U. S. v. 119 Dozen Bottles of "666" (and 110 other seizure actions against "666"). Default decrees of condemnation and destruction.** (F. D. C. Nos. 12425, 12427, 12451, 12452, 12454 to 12456, incl., 12469, 12471, 12472, 12479, 12484, 12488, 12490, 12504, 12510, 12745, 12761 to 12766, incl., 12817 to 12819, incl., 12893 to 12895, incl., 12897 to 12900, incl., 12904, 12905, 12940, 12954, 12957 to 12959, incl., 12990, 12991, 12995, 12997, 13000, 13005, 13006, 13037, 13038, 13041 to 13047, incl., 13093, 13190, 13194, 13317 to 13321, incl., 13326 to 13328, incl., 13335 to 13338, incl., 13340 to 13342, incl., 13356 to 13360, incl., 13362, 13363, 13391, 13402, 13569, 13605, 13616 to 13621, incl., 13629, 13630, 13791, 13792, 13805 to 13817, incl., 14016, 14017, 14057, 14071 to 14073, incl., 14340, 14341, 14368, 14407, 14437, 14438, 14846. Sample Nos. 28352-F, 28893-F, 28894-F, 34902-F to 34905-F, incl., 35059-F, 35067-F, 35070-F, 35071-F, 35073-F, 35892-F to 35895-F, incl., 35898-F to 35900-F, incl., 35980-F to 35984-F, incl., 53284-F to 53287-F, incl., 61375-F, 63292-F to 63295-F, incl., 63329-F, 63332-F, 63339-F, 63340-F, 63440-F, 63443-F to 63446-F, incl., 63482-F to 63485-F, incl., 63510-F, 63513-F to 63517-F, incl., 63549-F, 63725-F, 63726-F, 63732-F, 63734-F, 63735-F, 63737-F to 63739-F, incl., 63741-F to 63743-F, incl., 64003-F, 64004-F, 64011-F to 64014-F, incl., 64021-F, 64023-F to 64027-F, incl., 64030-F, 64031-F, 64033-F, 64035-F, 64041-F to 64044-F, incl., 64050-F, 64053-F, 64056-F to 64058-F, incl., 64060-F to 64062-F, incl., 64064-F to 64067-F, incl., 64069-F to 64071-F, incl., 66936-F to 66939-F, incl., 67670-F to 67672-F, incl., 67674-F to 67678-F, incl., 68220-F, 68221-F, 79619-F, 79620-F, 80338-F, 81352-F, 81353-F, 90121-F to 90123-F, incl., 90126-F to 90128-F, incl., 90137-F, 90138-F, 90144-F, 90214-F to 90216-F, incl., 90307-F, 90322-F, 90323-F, 90326-F, 90327-F, 90368-F, 90377-F to 90379-F, incl.)

Between May 25 and December 21, 1944, the United States attorneys for the Northern, Middle, and Southern Districts of Georgia, the Eastern, Middle, and Western Districts of Tennessee, the Eastern and Western Districts of South Carolina, the Eastern, Middle, and Western Districts of North Carolina, the Eastern District of Virginia, the Southern District of Ohio, the Western District of Missouri, the Western District of Kentucky, the Southern District of Texas, the Eastern and Western Districts of Arkansas, and the Eastern District of Illinois filed libels against a total of 5,260½ dozen bottles of "666," which was bottled in 3-ounce and 6-ounce containers and located at the following places: Quitman, Atlanta, Columbus, Macon, Athens, Savannah, Augusta, Albany, Americus, LaGrange, Newnan, Madison, Waycross, Dublin, Bowdon, and Waynesboro, Ga.; Chattanooga, Knoxville, Nashville, and Union City, Tenn.; Charleston, Union, Darlington, Camden, Saluda, Newberry, Laurens, Bennettsville, Chester, Woodruff, Anderson, Greenwood, and Sumter, S. C.; Gastonia, Charlotte, High Point, Winston-Salem, Wilmington, Fayetteville, Whiteville, Shelby, Lumberton, Clinton, Dunn, Raleigh, Durham, Wadesboro, Rockingham, Burlington, Leaksville, Madison, Sanford, Greensboro, Stoneville, and Thomasville, N. C.; Cincinnati, Ohio; Portsmouth, Suffolk, Newport News, and Norfolk, Va.; Kansas City and St. Joseph, Mo.; Paducah, Ky.; Galveston, Tex.; Pine Bluff, Little Rock, Russellville, Atkins, Ft. Smith, Morrilton, and Benton, Ark.; and Eldorado, Ill.

It was alleged in the libels that the article had been shipped between the approximate dates of August 8, 1942, and August 14, 1944, by the Monticello Drug Co., from Jacksonville, Fla., and New Orleans, La.

The composition of the article, its labeling, and the shape, color, and appearance of its containers were essentially the same as those of the product which was the subject of seizure in the cases reported in drug notices of judgment No. 1231.

The article was alleged to be misbranded because the labeling on the bottle and carton was misleading in that the numerals "666", appearing on the labeling in red on a yellow background, in combination with the yellow, red, and black color scheme of the other portions of the labeling, constituted a statement and device which created the impression and belief that the article was the product containing quinine sulfate which formerly for many years had been advertised, sold, and used as a treatment for malaria.

It was alleged to be misbranded further (1) because its container was so made, formed, and filled as to be misleading since the shape, color, and appearance of the container created the impression and belief that the article was the former product which contained quinine sulfate; (2) because it was an imitation of another drug in that its name, its labeling, its color, and the color, shape, and appearance of its container simulated the former product; and (3) because it was offered for sale under the name of another drug, the former product.

Between July 6, 1944, and February 3, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.