

Examination disclosed that the composition of the article, with the exception of the Muskogee lot, was essentially the same as that of the product which was the subject of seizure in the cases reported in notices of judgment on drugs and devices, No. 1231. The Muskogee lot contained epsom salt, citrated caffeine, iron chloride, and ammonium chloride dissolved in a mixture of water and glycerin, and it contained no quinine or other antimalarial. All lots of the article were similar in appearance and packaging to the drug which contained quinine sulfate and which was previously marketed by the Monticello Drug Co. for the treatment of malaria.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the labeling on the bottles and carton was misleading in that the numerals "666," appearing on the labeling in red on a yellow background, and the yellow, red, and black color scheme of the other portions of the labeling, and the price of the article printed on the labeling, in combination constituted a statement and device which created the impression and belief that the article was the article of drug "666" which contained quinine sulfate and which was formerly for many years advertised, sold, and used as a treatment for malaria; Section 502 (i) (1), the container was so made, formed, and filled as to be misleading in that its shape, color, and appearance created the impression and belief that the article was the former product which contained quinine sulfate; Section 502 (i) (2), the product was an imitation of another drug in that its name, labeling, and color, and the color, shape, and appearance of the container, simulated the former product; and, Section 502 (i) (3), it was offered for sale under the name of another drug, the former product.

**DISPOSITION:** March 27, 1945. The Monticello Drug Co., claimant for the Wichita lot, filed an answer denying that the product in such lot was misbranded, to which the Government entered a plea of res judicata, alleging that the parties and the issues of the case of *The United States v. 70½ Dozen Bottles of "666,"* filed October 12, 1943, in the Middle District of Georgia, Valdosta Division, were identical with the present case, and that the court in that case had rendered a judgment in favor of the Government. The court, after hearing argument of counsel, sustained the Government's plea of res judicata and judgment was entered condemning the product and ordering its destruction. Between February 26 and June 6, 1945, the sole intervener in the action against the Dallas lot having consented to the entry of a decree, and no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**1587. Misbranding of "666." U. S. v. 70 Bottles of "666." Decree of condemnation and destruction.** (F. D. C. No. 15645. Sample No. 22319-H.)

**LIBEL FILED:** On or about March 26, 1945, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about November 3, 1944, by the Griffin Grocery Co., from Muskogee, Okla.

**PRODUCT:** 70 6-ounce bottles of "666" at Joplin, Mo. Analysis showed that the product contained epsom salt, citrated caffeine, iron chloride, and ammonium chloride, dissolved in a mixture of water and glycerin. It contained no quinine or other antimalarial. The article was similar in appearance and packaging to the drug which contained quinine sulfate and which was previously marketed by the Monticello Drug Co. for the treatment of malaria.

**LABEL, IN PART:** "666 Liquid \* \* \* Monticello Drug Company, Jacksonville, Fla."

**NATURE OF CHARGE:** The article was alleged to be misbranded in the same manner as that of the product which was the subject of seizure in the cases reported in notices of judgment on drugs and devices, No. 1586.

**DISPOSITION:** April 23, 1945. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1588. Misbranding of Monarch Vitamins. U. S. v. 3,453 Bottles of Monarch Vitamins. Default decree of condemnation and destruction.** (F. D. C. No. 13413. Sample No. 54632-F.)

**LIBEL FILED:** September 19, 1944, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about May 24, 1944, by the Cerophyl Laboratories, from Kansas City, Mo.

**PRODUCT:** 3,453 bottles, each containing 225 tablets, of Monarch Vitamins at Chicago, Ill.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circular entitled "To Users of Monarch Vitamins," enclosed in the retail package containing the article, created the false and misleading impression that the article would be effective in the prevention or correction of poor appetite, nervousness, irritability, colds, and chronic constipation; that it would substitute for large quantities of fruits and vegetables as a source of vitamins and minerals; and that it was an ideal supplement, such as recommended by the Food and Nutrition Board of the National Research Council.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1589. Misbranding of vitamin C tablets. U. S. v. 137 Bottles, 260 Bottles, and 33 Bottles of Vitamin C Tablets. Default decree of destruction. (F. D. C. No. 14335. Sample Nos. 66983-F, 81093-F, 81094-F.)**

**LIBEL FILED:** On or about November 8, 1944, Western District of Missouri.

**ALLEGED SHIPMENT:** Between the approximate dates of July 3 and September 7, 1943, by Oxford Products, Inc., from Cleveland, Ohio.

**PRODUCT:** 137 bottles, each containing 40 25-milligram tablets, 260 bottles, each containing 40 50-milligram tablets, and 33 bottles, each containing 40 100-milligram tablets, of *vitamin C* at Kansas City, Mo.

The 50-milligram tablets were more than 50 percent deficient in vitamin C.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statement, "Indicated as a vitamin supplement in dental caries, pyorrhea, certain gum infections, anorexia, anemia under nutrition and infections when these are consequences of a vitamin C deficiency," was false and misleading since it represented and suggested that the article would be efficacious in the treatment of the conditions stated, whereas the article would not be efficacious for such purposes.

Further misbranding, Section 502 (a), (50-milligram size tablets only) the label statement, "40 C. T. Tablets Vitamin C (Ascorbic Acid) 50 MG Each Tablet Contains 1000 U. S. P. Units of Vitamin C Which Is  $1\frac{2}{3}$  Times Daily Requirements," was false and misleading.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 8297.

**DISPOSITION:** March 24, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

**1590. Misbranding of drug products. U. S. v. 994 Bottles of Rawleigh's Milk of Magnesia Tablets, 183 Bottles of Rawleigh's Castoria, 68½ Dozen Bottles of Rawleigh's Ru-Mex-Ol Compound, 19¼ Dozen Bottles of Rawleigh's Milk of Magnesia, 109 Bottles of Rawleigh's Tonic Compound, 1,468 Packages of Rawleigh's Septo Powder for Poultry, 298 Packages of Rawleigh's Iodized Poultry Powder, and a number of catalogs. Decrees of condemnation. Ru-Mex-Ol Compound ordered destroyed; remaining products ordered released under bond. (F. D. C. No. 14633. Sample Nos. 8028-F, 8031-F to 8034-F, incl., 8037-F to 8039-F, incl.)**

**LIBELS FILED:** December 15, 1944, District of Minnesota.

**ALLEGED SHIPMENT:** By the W. T. Rawleigh Co., from Freeport, Ill. The various drugs were shipped between the approximate dates of April 4 and September 19, 1944. A number of the catalogs were enclosed in packages containing certain of the drugs. The remainder of the catalogs were shipped separately on or about June 28, 1944.

**PRODUCT:** The above-listed drugs, and accompanying catalogs entitled "Rawleigh's Good Health Products Consumers Catalog," at Minneapolis, Minn.

Analyses showed the following results: *Rawleigh's Milk of Magnesia Tablets* contained magnesium hydroxide flavored with peppermint; *Rawleigh's Castoria* consisted essentially of a laxative plant drug, Rochelle salt, sodium bicarbonate, sugar, water, and sodium benzoate, with a small proportion of wormseed; *Rawleigh's Ru-Mex-Ol Compound* consisted of extracts of plant drugs, including a laxative plant drug, potassium iodide, salicylic acid, sodium benzoate, alcohol, and water; *Rawleigh's Milk of Magnesia* consisted essentially of 8.43 percent of magnesium hydroxide and water; *Rawleigh's Tonic Compound* consisted essentially of water, sugar, phosphates, quinine, and alcohol, with small amounts of malt, and compounds of iron, manganese, and calcium; *Rawleigh's*