

1631. Adulteration and misbranding of prophylactics. U. S. v. 118 Gross, etc., of Prophylactics (and 2 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 15616, 15653, 16937. Sample Nos. 16602-H to 16604-H, incl., 16606-H, 16608-H, 16609-H, 18375-H, 18377-H.)

LIBELS FILED: Between March 19 and July 30, 1945, Northern District of Illinois and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of December 14, 1944, and July 6, 1945, by the Dean Rubber Manufacturing Co., from North Kansas City, Mo.

PRODUCT: 166½ gross of *prophylactics* at Chicago, Ill., and 48 gross of *prophylactics* at Minneapolis, Minn. Examination of samples disclosed that the product was defective in that it contained holes.

LABEL, IN PART: "Dean's Peacocks Reservoir Ends," "Genuine Peacocks Dean's Reservoir End," "Sekurity Prophylactics," "Parisians," or "Ultrex."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following label statements were false and misleading as applied to an article containing holes: "tested * * * for your protection. * * * An aid in preventing venereal diseases"; "Guaranteed 2 years against deterioration. Each and Every Peacock Device is 'Scientifically Tested' * * * An aid in preventing venereal disease"; "Sekurity Prophylactics Sekurity's are tested * * * for your protection. * * * An aid in preventing venereal diseases"; "An aid in preventing Venereal disease. Guaranteed for 2 years against deterioration. Every individual Parisian is carefully selected and tested"; and "For your Health's Sake * * * selected prophylactic * * * a reliable safeguard for your health."

DISPOSITION: December 14, 1945, and January 28, 1946. No claimant appearing when the libel proceedings came up for final decision, judgments of condemnation were entered and the products were ordered destroyed.

1632. Adulteration and misbranding of prophylactics. U. S. v. 16¼ Gross and 111½ Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 15655, 15989. Sample Nos. 25420-H, 26447-H.)

LIBELS FILED: On or about March 23 and May 3, 1945, District of Colorado and District of Utah.

ALLEGED SHIPMENT: Between the approximate dates of December 28, 1944, and March 8, 1945, from Akron, Ohio, by the Akron Drug and Sundries Co.

PRODUCT: 16¼ gross of *prophylactics* at Denver, Colo., and 111½ gross of *prophylactics* at Salt Lake City, Utah. Examination of samples disclosed that the article was defective in that it contained holes.

LABEL, IN PART: "Derbies Manufactured for Jay Dee Drug Co., Chicago, Ill. By the Killian Manufacturing Co. Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement, "for the prevention of Disease," was false and misleading as applied to an article containing holes.

DISPOSITION: April 7 and July 28, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1633. Adulteration and misbranding of Burma Foot Cream. U. S. v. Sexton Drug Store (The Belmont Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 14295. Sample No. 68109-F.)

INFORMATION FILED: May 2, 1945, District of Massachusetts, against the Sexton Drug Store, a corporation trading as the Belmont Co., at Springfield, Mass.

ALLEGED SHIPMENT: On or about April 14, 1944, from the State of Massachusetts into the State of Ohio.

*See also Nos. 1601, 1602, 1613-1617, 1623, 1624, 1626, 1630-1632.

NATURE OF CHARGE: Adulteration, Section 501 (a) (4), the article contained, for purposes of coloring only, a coal-tar color, dimethylaminoazobenzene, known as Butter Yellow (Colour Index 19), which had not been listed for use in drugs in accordance with the regulations and was other than one from a batch that had been certified in accordance with the regulations.

Misbranding, Section 502 (a), the label statement, "Green Food Color," was false and misleading since it represented and suggested that the article contained a color which was fit for use in coloring foods, whereas the article contained dimethylaminoazobenzene, a noncertified dye which is unfit for use in foods; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; in fact, the label bore no statement of the quantity of the contents.

DISPOSITION: July 10, 1945. A plea of guilty having been entered on behalf of the defendant; the court imposed a fine of \$100.

1634. Misbranding of Manna Arabian Tea. U. S. v. Charles W. Nichols. Plea of guilty. Sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 15528. Sample Nos. 61270-F, 75927-F.)

INFORMATION FILED: June 22, 1945, Southern District of Ohio, against Charles W. Nichols, Cambridge, Ohio.

ALLEGED SHIPMENT: On or about July 25 and August 16, 1944, from the State of Ohio into the States of Louisiana and West Virginia.

PRODUCT: Examination of samples showed that the product consisted of the ground leaves and stems of alfalfa.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars entitled "A Treatise on Health" and "Diabetes—its Cause and Cure," in a leaflet entitled "Directions," and in a certain testimonial sheet, enclosed in the packages containing the article, were false and misleading since they represented and suggested that the article would be efficacious to feed the liver first and put it back to work; that it would cause the proper amount of bile to be manufactured; that it would be efficacious to improve the general health; that it would cause acid and gas to cease; that it would purify the blood through the kidneys; that it would be efficacious in the cure, mitigation, treatment, and prevention of constipation, indigestion, ulcers of the stomach, colon, and bladder, neuritis, arthritis, rheumatism, high and low blood pressure, anemia, liver troubles, kidney ailments, excessive fat, underweight, colds, nervousness, heart trouble, colitis, and impaired sight; that use of the article would enable a person to "live to be 100 years old"; that it would be an adequate treatment for colds and flu; that it would break up colds and flu in 24 hours; that it would cure diabetes when used in conjunction with vinegar and saltpeter; that it would be efficacious to reconstruct and build up the body of the diabetic; and that use of the article would correct nutritional deficiencies and balance nutrition. The article would not be efficacious for the purposes represented.

DISPOSITION: June 27, 1945. A plea of guilty having been entered, the court suspended sentence and placed the defendant on probation for 2 years.

1635. Misbranding of Concentra. U. S. v. 120 Packages and 13 Packages of Concentra, and a number of circulars. Default decrees of condemnation and destruction. (F. D. C. Nos. 15803, 16084. Sample Nos. 13445-H, 13449-H, 14609-H.)

LIBELS FILED: March 26 and May 5, 1945, Eastern District of Michigan and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of January 29 and April 2, 1945, by Jean Ferrell, Inc., from Chicago, Ill.

PRODUCT: 120 packages of *Concentra* and 5,000 circulars entitled, "Concentra. A Scientifically Compounded Formula Of Vegetables, Fruits And Roots," at Detroit, Mich., and 13 packages of the product and 50 circulars at Toledo, Ohio. Examination showed that the product consisted essentially of powdered plant material, including a laxative drug such as rhubarb root.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying circulars were false and misleading since they represented and suggested that the article would supply something of nutritional value to the body, and that it would be effective in the treatment of kidney and bladder trouble, rheumatism, spastic colon, overweight, a tired and worn-out feeling, neuritis, goiter, sore and stiff joints, constipation, headaches, arthritis, bad