

juxtaposition therewith, the statement, "Warning—May be habit forming"; Section 502 (f) (1), (2), the envelopes containing the drugs bore no labeling containing directions for use and they bore no labeling containing warnings against use in those pathological conditions wherein the use of the drugs might be dangerous to health, or against unsafe dosage and methods and duration of administration; and, Section 502 (e), the envelopes containing the *Seconal Capsules* failed to bear labels containing the common or usual name of the drug, "Seconal."

DISPOSITION: May 21, 1945. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the 3 counts of the information.

1805. Misbranding of Laken's 9 Drops. U. S. v. 26 Boxes of Laken's 9 Drops Capsules and 22 Combination Packages of Laken's 9 Drops Capsules and Liquid. Default decree of condemnation and destruction. (F. D. C. No. 16704. Sample No. 4814-H.)

LIBEL FILED: On or about July 23, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about June 1, 1945, by the Marshall Drug Co., from Philadelphia, Pa.

PRODUCT: 26 boxes of *Laken's 9 Drops Capsules* and 22 combination packages, each containing a box of the capsules and a carton containing 1 bottle of *Laken's 9 Drops Brand Liquid*, at Paulsboro, N. J.

Examination showed that each capsule consisted essentially of aspirin 3.4 grains, acetophenetidin 2.5 grains, and caffeine citrate 1 grain; and that the liquid consisted essentially of sodium salicylate, potassium iodide, water, and a trace of an alkaloid. The labels bore no statement of the quantity of the contents.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in an accompanying circular were false and misleading in that they represented and suggested that the articles, alone or in combination, would be effective in the treatment of rheumatism, lumbago, arthritis, backaches, muscular aches and pains due to rheumatism, swollen joints, and stiff joints; that they would be effective as an analgesic and uric acid solvent; that they would get at the main cause of so-called rheumatism; and that they would be effective in the treatment of the suffering and discomfort associated with common colds. The articles, alone or in combination, would not be effective for such purposes. Further misbranding, Section 502 (b) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (e) (2), the label of the capsules failed to bear a statement of the quantity or proportion of acetophenetidin contained therein; and, Section 502 (f) (2), the labeling of the capsules failed to warn that frequent or continued use might be dangerous, causing serious blood disturbances, and that not more than the recommended dose should be taken.

DISPOSITION: August 24, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1806. Misbranding of Testogenol Tablets. U. S. v. 67 Bottles of Testogenol Tablets. Default decree of condemnation and destruction. (F. D. C. No. 16684. Sample No. 24514-H.)

LIBEL FILED: July 7, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 19, 1945, by the T-Lax Products Co., from Birmingham, Ala.

PRODUCT: 67 bottles of *Testogenol Tablets* at New Orleans, La. Examination showed that the article had essentially the composition claimed on the label.

LABEL, IN PART: "Testogenol 100 Tablets Indicated in Functional Impotence of Neurasthenic Origin * * * Each Tablet Contains: Vitamin B₁ . . . 666 U. S. P. Units Yohimbin Hydrochloride . . . 0.0005 Gram Orchic Substance . . . 0.05 Gram Calcium Glycerophosphate . . . 0.15 Gram Sodium Glycerophosphate . . . 0.15 Gram Extract Nux Vomica . . . 0.03 Gram Directions—Take 2 to 3 Tablets Depending Upon Age and Severity of Case or as Directed by the Physician. Warning—Do not exceed recommended dosage. When desired effect is reached discontinue use. If symptoms do not improve consult physician. Not for children."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements, "Indicated in Functional Impotence of Neurasthenic Origin * * * Take 2 or 3 Tablets Depending upon Age and Severity of Case," were false and misleading since the article was not effective for impotence. Further misbrand-

ing, Section 502 (a), the label statement, "Each Tablet Contains * * * Orchic Substance . . . 0.05 Gram," was misleading since it failed to reveal the material fact that orchic substance possesses no therapeutic activity when taken by mouth.

Further misbranding, Section 502 (e), the product was fabricated from two or more ingredients, and its label failed to bear a statement of the quantity or proportion of strychnine contained in the product; and, Section 502 (f) (2), the label failed to bear adequate warnings against use of the article in those pathological conditions wherein its use may be dangerous to health, and against unsafe duration of administration, since the label failed to warn that, in view of the yohimbine hydrochloride present, it should not be taken by those suffering from heart disease, high blood pressure, or kidney disease; the label also failed to warn that an article containing nux vomica may be dangerous, especially when used by elderly persons; and it also failed to warn that use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1807. Misbranding of Testox Tablets. U. S. v. 129 Bottles and 142 Bottles of Testox Tablets. Default decree of condemnation and destruction. (F. D. C. No. 16650. Sample No. 456-H.)

LABEL FILED: June 28, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 2, 1945, by the Veltex Co., from Birmingham, Ala.

PRODUCT: 129 20-tablet bottles and 142 100-tablet bottles of *Testox Tablets* at Atlanta, Ga. Examination of samples showed that the product had the composition declared upon its label.

LABEL, IN PART: "Textox 20 [or "100"] Tablets Distributed by Copy Boy Sales Co., * * * Atlanta 3, Ga. Each Tablet Contains: Vitamin B₁ . . . 666 U. S. P. Units Yohimbin Hydrochloride . . . 0.0005 Gram Orchic Substance . . . 0.05 Gram Calcium Glycerophosphate . . . 0.15 Gram Sodium Glycerophosphate . . . 0.15 Gram Extract Nux Vomica . . . 0.03 Gram."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements created the false and misleading impression that the product would be effective as a sex restorer, whereas it would not be effective in producing such a result: "Textox * * * Directions—Take 2 to 3 Tablets depending upon age and severity of case * * * When desired effect is reached discontinue use"; and the label statement, "Each Tablet Contains * * * Orchic Substance . . . 0.05 Gram," was misleading since it failed to reveal the material fact that orchic substance possesses no therapeutic activity when taken by mouth.

Further misbranding, Section 502 (e) (2), the product was a drug fabricated from two or more ingredients, and its label failed to state the quantity of strychnine it contained; Section 502 (f) (2), the label of the product failed to warn that, in view of the presence of yohimbine hydrochloride in the product, it should not be taken by persons suffering from heart disease, high blood pressure, or kidney disease; and the label also failed to warn that an article containing nux vomica might be dangerous, especially when used by elderly persons, and that the use of a product containing yohimbine hydrochloride should be discontinued if stomach disturbance, nausea, vomiting, vertigo, or fainting occur.

DISPOSITION: August 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1808. Misbranding of World's Bitter Tonic. U. S. v. 164 Cartons of World's Bitter Tonic A Laxative and Stomachic Medicine. Default decree of condemnation and destruction. (F. D. C. No. 17098. Sample No. 2782-H.)

LABEL FILED: August 8, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about April 21 and June 26, 1945, by World's Medicine Co., from Columbus, Ohio.

PRODUCT: 164 cartons, each containing 1 bottle, of *World's Bitter Tonic* at Baltimore, Md. Analysis showed that the product consisted essentially of extracts of plant drugs, including laxative plant drugs, strychnine 0.0025 grain per fluid ounce, sugar, saccharin, an iron compound, salicylates, benzoates, alcohol, and water.