DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

2083. Misbranding of Concentra. U. S. v. Jean Ferrell, Inc., and Roy Blackmer. Pleas of nolo contendere. Fines of $2,000 and costs against the corporation and $500 and costs against the individual defendant. (F. D. C. No. 20114. Sample Nos. 12986–H, 20265–H.)

INFORMATION FILED: December 9, 1946, Northern District of Illinois, against Jean Ferrell, Inc., Chicago, Ill., and Roy Blackmer, vice president of the corporation.

ALLEGED SHIPMENT: From the State of Illinois into the States of Ohio and Kansas. The product was shipped on or about February 5 and April 3, 1945. A number of leaflets entitled "Concentra" were shipped with the consignment of February 5, 1945, and a number of the same leaflets were shipped on or about February 1, 1945, to the consignee of the April 3, 1945, shipment.

PRODUCT: Analysis disclosed that the product consisted essentially of powdered plant material, including a laxative drug such as rhubarb root.

LABEL, IN PART: "Concentra A Laxative Compound."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the leaflets were false and misleading since they represented and suggested that the article would be of value as a source of vitamins and minerals; that it contained "much nutritional value"; that it would be efficacious to assist nature in cleansing the system and keeping it clean; that it would be efficacious to overcome diseases such as kidney trouble, bladder trouble, and rheumatism; that it would be efficacious in the treatment of spastic colon, overweight, tired, worn-out feeling, neuritis, goiter, sore and stiff joints in hands and knees, headaches, nervous disorders, arthritis, bad eyes, loss of hair, poor vision, gall bladder trouble, intestinal flu, thyroid conditions, dropsical conditions, broken veins, diabetes, acid condition, and sinus trouble and sinus infection; and that it would be efficacious to eliminate all poisons from the system. The article would not be of value as a source of vitamins and minerals, since it contained insignificant amounts, if any, of vitamins and minerals; it contained but small amounts of substances possessing nutritional value; and it would not be efficacious for the purposes represented.

DISPOSITION: January 20, 1947. A plea of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of $2,000 and costs against the corporate defendant and a fine of $500 and costs against the individual defendant.

2084. Misbranding of UtraJel. U. S. v. Pynosol Laboratories, Inc., and Edwin G. Melich. Motion to quash denied. Plea of guilty. Corporate defendant fined $1,000; individual defendant placed on probation for 2 years. (F. D. C. No. 16582. Sample No. 51654–F.)

INDICTMENT RETURNED: January 15, 1946, Northern District of Illinois, against Pynosol Laboratories, Inc., Chicago, Ill., and Edwin G. Melich, president of the corporation.

ALLEGED SHIPMENT: On or about November 27, 1943, from the State of Illinois into the State of Massachusetts.

PRODUCT: Analysis disclosed that the product was a yellow semi-solid, consisting essentially of pine needle oil, potassium soap, combined iodine, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the name of the article "UtraJel" was misleading since the name represented and suggested and created the impression that the article was an appropriate and a safe medicament for introduction into the uterus. The article was not an appropriate and a safe medicament for introduction into the uterus, but was dangerous and capable of producing serious and even fatal consequences.

DISPOSITION: A motion to quash the indictment was filed on behalf of the defendant on the ground that the name of the article did not indicate that it was a safe medicament for introduction into the uterus; and on March 15, 1946, such motion was denied. Pleas of guilty were entered on June 21, 1946; and on October 3, 1946, the corporate defendant was fined $1,000 and costs, and the individual defendant was placed on probation for 2 years.

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*See also Nos. 2057, 2062, 2069, 2072, 2074–2082; veterinary preparations, Nos. 2063, 2064.