

oxide, and bacteriological examination showed that the article was not a germicide.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, i. e., by the designation "Germicidal Preparation."

Misbranding, Section 502 (a), the label statement "Scalp Conditioner A Germicidal Preparation for the Treatment of Scalp Disorders" was false and misleading since the article was not a germicide, was not effective for conditioning the scalp, and would not be effective in the treatment of scalp disorders; and, Section 502 (e) (2), the 2-ounce size jar failed to bear a statement of the quantity or proportion of the derivative of mercury contained in the article since the label statement "Mercuric Oxide Yellow U. S. P. 5%" was incorrect.

DISPOSITION: May 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2168. Adulteration and misbranding of prophylactics. U. S. v. 23½ Gross * * *.
(F. D. C. No. 22632. Sample No. 61322-H.)

LABEL FILED: March 13, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 14, 1947, by the World Merchandise Exchange and Trading Co., from New York, N. Y.

PRODUCT: 23½ gross of rubber *prophylactics* at Pittsburgh, Pa. Examination of 200 samples showed that 4.5 percent were defective in that they contained holes.

LABEL, IN PART: "Lloyd's Prophylactics."

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 statement "Prophylactics" was false and misleading as applied to an article which contained holes.

DISPOSITION: April 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

2169. Misbranding of estrogenic substances. U. S. v. Harvey Laboratories, Inc., and Aaron Lichten. Pleas of nolo contendere. Fines of \$150 against the corporation and \$1 against the individual. (F. D. C. No. 21424. Sample Nos. 5150-H, 7816-H, 8301-H.)

INFORMATION FILED: January 16, 1947, Eastern District of Pennsylvania, against Harvey Laboratories, Inc., Philadelphia, Pa., and Aaron Lichten, treasurer of the corporation.

ALLEGED SHIPMENT: On or about October 19 and 30 and November 1, 1945, from the State of Pennsylvania into the States of New Jersey and New York.

LABEL, IN PART: (Cartons—all shipments, and vials—1 shipment) "Estrogenic Substances [or "Substance"] * * * estrogenic hormones from natural sources, consisting chiefly of estrone with traces of estradiol and auxiliary follicular hormones"; (ampules—2 shipments) "Estrogenic Substance 10,000 [or "50,000"] International Units Per cc."

NATURE OF CHARGE: Misbranding, Section 502 (a), the above-quoted statements on the cartons and vial labels were false and misleading since they represented and suggested that the article consisted chiefly of estrone, whereas it did not consist chiefly of estrone.

Further misbranding, Section 502 (e), the article was not designated solely by a name recognized in an official compendium; it was fabricated from 2 or more ingredients; and the ampule labels failed to bear the common or usual name of each active ingredient, since the designation "Estrogenic Substance" is not the common or usual name of any particular active ingredient but is a generic name for a class of substances.

* See also Nos. 2151, 2153-2155, 2158, 2159, 2163, 2167, 2168.