

**ALLEGED SHIPMENT:** On or about April 12 and June 11, 1943, by Hardy, Newman & Co., from Chicago, Ill.

**PRODUCT:** 85 gross of *prophylactics* at Great Falls, Mont. Examination of samples showed that 3.7 percent were defective in that they contained holes.

**LABEL, IN PART:** "Texide."

**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 Prevention of Disease" was false and misleading as applied to an article which contained holes.

**DISPOSITION:** May 15, 1946. Default decree of condemnation and destruction.

**2279. Adulteration and misbranding of prophylactics. U. S. v. 49 Gross \* \* \*.**  
(F. D. C. No. 21097. Sample No. 49695-H.)

**LIBEL FILED:** September 23, 1946, Western District of Texas.

**ALLEGED SHIPMENT:** On or about August 29, 1946, by the Dean Rubber Manufacturing Co., North Kansas City, Mo.

**PRODUCT:** 49 gross of *prophylactics* at San Antonio, Tex. Examination of samples showed that 3.7 percent were defective in that they contained holes.

**LABEL, IN PART:** "Economy Package No. 16 Reservoir Ends 1 Gross 12's Peacock."

**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 statements "Scientifically Tested. Guaranteed against deterioration for two years. For your protection" were false and misleading as applied to an article containing holes.

**DISPOSITION:** May 8, 1947. Default decree of forfeiture and destruction.

## DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\*

### DRUGS FOR HUMAN USE

**2280. Misbranding of Sanford's Garlic with Parsley Tablets, Improved Formula Super Potency Calcium Pantothenate Pan-A-Plex Paramino Benzoic Acid and High B-Complex Tablets, Super Potency Aller-Cedic (Improved) Capsules, Super Potency Nura-Plex Special Formula No. 10 Capsules, Arthadex Capsules, Hebron Tablets, and Super Potency Ultra Hy "E" Capsules. U. S. v. The Vitamin Store of Iowa and Milton S. Frankle. Pleas of guilty. Total fines, \$250 and costs. (F. D. C. No. 21432. Sample Nos. 18275-H to 18280-H, incl., 18282-H, 18284-H.)**

**INFORMATION FILED:** February 6, 1947, Southern District of Iowa, against the Vitamin Store of Iowa, a partnership, Des Moines, Iowa, and Milton S. Frankle, a partner.

**ALLEGED SHIPMENT:** Between the approximate dates of February 21, 1944, and August 21, 1945, from the States of Ohio, Minnesota, and Illinois, into the State of Iowa.

**ALLEGED VIOLATION:** Between the approximate dates of February 21, 1944, and September 19, 1945. The Vitamin Store of Iowa, and Milton S. Frankle, while holding the above-named drugs for sale after shipment in interstate commerce, caused to be prepared and printed a number of circulars entitled "Vitamin Deficiencies" and "Aller-Cedic" and caused one or both of the said circulars to accompany each of said drugs, which acts resulted in the misbranding of the drugs.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars "Vitamin Deficiencies" and "Aller-Cedic" were false and misleading. These statements represented and suggested:

That the *Sanford's Garlic with Parsley Tablets* would be efficacious in the treatment of high blood pressure;

That the *Improved Formula Super Potency Calcium Pantothenate Pan-A-Plex Paramino Benzoic Acid and High B-Complex Tablets* would be efficacious to improve the life and lustre of hair, to restore the hair color, to make finger-

\*See also Nos. 2252, 2253, 2255, 2257, 2260, 2261, 2270-2272, 2276-2279.