2461. Misbranding of Spectro-Chrome. U. S. v. 1 Device * * * (and 4 other seizure actions). Answers filed by claimants denying Government's right to seize devices; claimants' answers ordered stricken and default decrees of condemnation and destruction entered. (F. D. C. Nos. 16828, 16830, 16911, 17280, 18137. Sample Nos. 1146–H, 4171–H, 14657–H, 14695–H, 17267–H.)

LIBELS FILED: July 19 and 25, September 10, and November 27, 1945, Eastern District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of May 22 and November 5, 1945, by the Dinshah Spectro-Chrome Institute, from Newfield, N. J.

PRODUCT: 5 *Spectro-Chrome* devices at Flat Rock, Detroit, and Fraser, Mich. The construction and appearance of each device was essentially the same as the device involved in notices of judgment on drugs and devices, No. 2098.

Three of the devices were accompanied by one or more of the following pieces of printed and graphic matter: "Spectro-Chrome Home Guide," "Favorscope for 1945," "Rational Food of Man," "Key to Radiant Health," "Request for Enrollment as Benefit Student," "Auxiliary Benefit Notice — Make Your Own Independent Income as Our Introducer," "Spectro-Chrome General Advice Chart for the Service of Mankind — Free Guidance Request," "Certificate of Benefit Studentship," "Spectro-Chrome — December 1941 — Scarlet," and "Spectro-Chrome — March 1945 — Yellow."

NATURE OF CHARGE: Misbranding, Section 502 (a), (2 devices) the following statements in the labeling of the devices "Dinshah Spectro-Chrome * * * Visible Spectrum Color Projector * * * This Spectro-Chrome Projector * * * is a Benefit granted to an Affiliate (of Dinshah Spectro-Chrome Institute a * * * Health Corporation * * *) * * * It is presented for self-use and self-verification" were false and misleading, since such statements represented and suggested that the device was capable of restoring, maintaining, or otherwise favorably influencing the health of the user, whereas the device was incapable of restoring, maintaining, or otherwise favorably affecting the health of the user; and the use of colored light would have no effect on health. The labeling of the other three devices bore false and misleading curative and therapeutic claims substantially the same as the labeling of the device involved in notices of judgment on drugs and devices, No. 2098.

Further misbranding, Section 502 (f) (1), (1 device) the labeling failed to bear adequate directions for use, since it bore no directions for use.

DISPOSITION: Florence L. Shuman, Flat Rock, Mich., Rosa Campiglio, Blanche DeWitt, and James H. Stevens, Detroit, Mich., and Martha Kollmorgan, Fraser, Mich., appeared as claimants and filed answers to the libels. The cases were subsequently consolidated for trial. A motion was filed on behalf of the Government to strike all impertinent, immaterial, incoherent, and surplus matter from the answers. This motion was granted on November 27, 1945. Thereafter, the claimants moved to dismiss the libels, which motion was denied. The Government filed motions for an order directing the claimants to file stipulation for costs and for an order requiring the claimants to make further and more perfect answers to the libels. The Government's motions were granted, after hearing, on February 25, 1948.

On September 22, 1948, the court ordered that each claimant post security for costs; that the document "Further and More Perfect Answer," filed on behalf of the claimants, be stricken from the record; that any answer filed on behalf of the claimants conform to the requirements of Admiralty Rule No. 26; and that the failure of the claimants to file such answer by October 1, 1948, should effect a default. The claimants failed to file the required answer, or to post security for costs, by October 1, and accordingly an order of default was made on that date and judgment was entered, condemning the devices and their labeling and ordering their destruction.

DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

2462. Adulteration of Hood-Lax. U. S. v. Hood Products Corporation, Cal-Par Corporation, and Charles H. Fingerhood. Pleas of guilty. Total fine of $4,000 ($3,500 of fine applicable to another product). (F. D. C. No. 24046. Sample No. 6516–H.)

INFORMATION FILED: March 17, 1948, Southern District of New York, against the Hood Products Corporation and the Cal-Par Corporation, New York, N. Y., and Charles H. Fingerhood, president and treasurer of the corporation.

ALLEGED SHIPMENT: On or about January 31, 1946, from the State of New York into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in part of a filthy substance, i. e., larvae, insect fragments, and a rodent hair fragment; and, Section 501 (a) (2), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The information alleged also that another product known as *Cal-Par* was adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on food.

DISPOSITION: October 8, 1948. Pleas of guilty having been entered, the court imposed a total fine of $4,000 against the defendants jointly and severally, of which $500 was attributable to count 1 of the information relating to the *Hood-Lax*.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

2463. Adulteration of aminophylline. U. S. v. Herman Edward Maurry (H. E. Maurry Biological Co.). Plea of nolo contendere. Fine, $250. (F. D. C. No. 24271. Sample No. 86016–H.)

INFORMATION FILED: August 2, 1948, Southern District of California, against Herman Edward Maurry, trading as the H. E. Maurry Biological Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about December 13, 1946, from the State of California into the State of Colorado.

LABEL, IN PART: "Aminophylline U. S. P. XII * * * (Theophylline Ethylenediamine) * * * For Intravenous Injection."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Theophylline Ethylenediamine Injection (Aminophylline Ampuls)," a drug the name of which is recognized in the United States Pharmacopoeia, and its quality and purity fell below the official standard since it contained undissolved material which could be detected readily without magnification when tested in accordance with the method prescribed by the standard; and the difference in the quality and purity of the article from the standard was not plainly stated, or stated at all, on its label.

DISPOSITION: September 20, 1948. A plea of nolo contendere having been entered, the court imposed a fine of $250.

2464. Adulteration of sodium iodide ampuls. U. S. v. 33,447 Ampuls, etc. (F. D. C. No. 24862. Sample Nos. 10561–K, 10567–K, 10572–K.)

LIBEL FILED: June 1, 1948, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 30 and April 2 and 13, 1948, from Somerville, N. J., and Montgomery, Ala., by Veterans Administration Supply Depots. (These were return shipments.)

PRODUCT: 38,222 20-cc. ampuls and 2,375 10-cc. ampuls of *sodium iodide* at Long Island City, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Sodium Iodide Ampuls," a drug the name of which is recognized in the National Formulary, an official compendium, and its quality and purity fell below the official standard, since it was contaminated with undissolved material.

DISPOSITION: July 28, 1948. Default decree of condemnation and destruction.

2465. Adulteration and misbranding of Aquadiol. U. S. v. 48 Vials * * *. (F. D. C. No. 24904. Sample Nos. 255–K, 274–K.)

LIBEL FILED: On or about June 29, 1948, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 31 and May 10, 1948, by the National Drug Co., from Philadelphia, Pa.

PRODUCT: 48 25-cc. vials of *Aquadiol* at Atlanta, Ga.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, i. e., 0.22 milligram of alpha estradiol per cubic centimeter.