

Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients; the label of the repackaged capsules failed to bear the common and usual name of each active ingredient since the capsules contained, in addition to apiol and ergot, the active ingredients, oil of tansy and aloin; and the label of the repackaged capsules failed to bear the common and usual names of the last-named active ingredients.

Further misbranding, Section 502 (f) (1), the repackaged capsules bore no labeling containing directions for use.

DISPOSITION: June 27, 1950. Pleas of nolo contendere having been entered, each defendant was fined \$100, plus costs, and placed on probation for 1 year.

3170. Misbranding of Menestrex capsules. U. S. v. William Rex Manning (Rex Laboratories). Plea of guilty on counts 1, 2, 4, and 5; plea of not guilty on count 3. Count 3 tried to the court; verdict of not guilty. Fine of \$1.00 on each of counts 1, 2, 4, and 5. (F. D. C. No. 26719. Sample Nos. 260-K, 999-K, 27312-K, 44012-K.)

INFORMATION FILED: June 30, 1949, Middle District of Tennessee, against William Rex Manning, trading as the Rex Laboratories, Nashville, Tenn.

ALLEGED SHIPMENT: On or about August 28, 1947, and February 13, March 16, and September 8, 1948, from the State of Tennessee into the State of Georgia.

PRODUCT: Examination disclosed that the product contained a mixture of quinine sulfate and potassium permanganate.

LABEL, IN PART: (All bottle labels) "Menestrex Contains: Potassium Permanganate Quinine Sulphate"; (bottle label of lot covered by count 3) "For easing distress in scanty or functionally difficult menstruation."

NATURE OF CHARGE: Count 3. Misbranding, Section 502 (a), the label statement "Menestrex * * * For easing distress in scanty or functionally difficult menstruation" was false and misleading since the statement represented and suggested that the article would be efficacious to ease distress in scanty or functionally difficult menstruation, whereas the article would not be efficacious for such purpose.

Counts 1, 2, 4, and 5. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the labeling failed to reveal the conditions for which the article was intended.

DISPOSITION: May 31, 1950. A plea of guilty was entered to counts 1, 2, 4, and 5, and a plea of not guilty to count 3. Trial was held before the court with respect to the charge involved in count 3, and, at its conclusion, a verdict of not guilty was rendered on count 3. The court imposed a fine of \$1.00 on each of counts 1, 2, 4, and 5, a total fine of \$4.00.

3171. Misbranding of estrogenic hormone substance. U. S. v. 20 Vials * * *
(F. D. C. No. 28964. Sample No. 55892-K.)

LABEL FILED: On or about April 19, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 19, 1950, by the Robert Brinton Morris Laboratories, from Pitman, N. J.

PRODUCT: 20 vials, each containing 30 cc., of *estrogenic hormone substance* at Kansas City, Mo.

LABEL, IN PART: "Estrogenic Hormone Substance (As Estradiol In Sesame Oil)".