

ported to be a prophylactic, but it was ineffective for prophylaxis because of the presence of holes.

DISPOSITION: October 4, 1950. Pleas of guilty having been entered, the court fined the corporation \$1,000 and the individual defendant \$200, plus costs.

3233. Adulteration of prophylactics. U. S. v. John M. Adams (Klingfast Sales Co.). Plea of nolo contendere. Fine of \$300 or imprisonment for 1 year. (F. D. C. No. 29436. Sample Nos. 52359-K, 52364-K.)

INFORMATION FILED: On July 6, 1950, Northern District of Georgia, against John M. Adams, trading as the Klingfast Sales Co., Atlanta, Ga.

ALLEGED SHIPMENT: On or about November 16 and December 7, 1949, from the State of Georgia into the State of Tennessee.

LABEL, IN PART: "Klintab Caps * * * A Cap Type Rubber Glans Sheath * * * Manufacturer Klingfast Rubber Co. Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess. The article purported and was represented to be a prophylactic, whereas it was not a prophylactic, but was ineffective for prophylaxis because of the presence of holes.

DISPOSITION: August 28, 1950. A plea of nolo contendere having been entered, the court sentenced the defendant to pay a fine of \$300 or to serve 1 year in jail.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3234. Misbranding of Raysol. U. S. v. 9 Bottles * * *. (F. D. C. No. 27783. Sample No. 47595-K.)

LIBEL FILED: August 22, 1949, District of Columbia.

ALLEGED SHIPMENT: On or about May 16, 1949, from Kitchener, Ontario, Canada, to Prince Frederick, Md., and from the latter point into the District of Columbia.

PRODUCT: 9 6-ounce bottles of *Raysol* at Washington, D. C. Examination showed that the product consisted of a water solution of calcium chloride, magnesium chloride, sodium chloride, and small amounts of other mineral salts, including potassium, iron, and iodine compounds.

LABEL, IN PART: "Raysol * * * The Raysol Co. P. O. Box 4335 Washington, D. C."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "Raysol * * * The Raysol Company P. O. Box 4335 Washington, D. C." were false and misleading. The statements represented and suggested that the article was effective in the treatment of diabetes, anemia, angina pectoris, circulatory disorders, stomach ailments, kidney and bladder trouble, high blood pressure, arthritic and rheumatic pains, stomach ulcers, and ill health associated with a depletion of the minerals in the blood; and that the article would be effective for revitalizing the blood and for serving as a "Great, God-given Remedy." The article was not effec-

*See also Nos. 3221, 3222, 3225-3227, 3231.

tive for such purposes. It was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 12, 1950. Default decree of condemnation and destruction.

3235. Misbranding of Dr. Morse's Indian Root pills. U. S. v. 125 Dozen Bottles
* * * . (F. D. C. No. 29343. Sample No. 38870-K.)

LIBEL FILED: June 6, 1950, District of Puerto Rico.

ALLEGED SHIPMENT: On or about February 21, 1950, by the W. H. Comstock Co., from Morristown, N. Y.

PRODUCT: 125 dozen bottles of *Dr. Morse's Indian Root pills* at Santurce, P. R. A circular entitled "Un Medicamento Casero De Confianza" was attached to each bottle of the product by means of a paper wrapper entitled "Raiz India Del Dr. Morse."

Analysis showed that the product consisted of plant drugs, including aloe.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the Spanish language in the circular accompanying the article were false and misleading since the article was not capable of fulfilling the promises of benefits stated and implied. The statements represented and suggested that the article would correct derangement of the digestive organs caused by overeating and overdrinking, and conditions resulting from disordered stomach and liver; that it was not merely a laxative but exerted an effect on the liver and, indirectly, on the entire system; that it was effective for imperfect digestion and disordered or sluggish liver; that it would keep the bowels regular and thereby remedy or prevent many disease conditions, including unnatural irritation of the mucous membrane of the intestines; that it would enable intestines that have lost their strength to perform their functions, would prevent inflammation, and would remedy 1,000 other complaints which otherwise would cause one a miserable and wretched life; that it would cleanse the stomach and bowels and restore their natural strength; that it would remedy biliousness and accompanying depression and demoralization of the entire system; that it would correct a feeling of heaviness, lack of energy, sick headache, etc., resulting from biliousness; that it would cause elimination of the bowel content in a natural way, establish a more healthy condition, and thus prevent and correct clogging of the ducts which connect the gall bladder with the liver and intestines, which may cause a backing up of bile, dull pains, uneasiness in the right side and shoulder blade, bitter taste, sudden dizziness on rising, spots before the eyes, coated tongue, looseness of bowels, and constipation on alternate days, rendering life hardly worth living; that it would relieve the primary cause of many of the most serious diseases; that it would restore the bowels to healthy action; that it would banish headache due to any of the conditions previously mentioned; that it would cleanse the stomach; and that it would relieve severe suffering of children from 1 day to 4 months of age.

Further misbranding, Section 502 (b) (1), the label attached to the immediate container of the article failed to bear the name and place of business of the manufacturer, packer, or distributor; and Section 502 (e) (2), the article was fabricated from two or more ingredients, and the label attached to the immediate container of the article failed to bear a declaration of the active ingredients.

DISPOSITION: July 24, 1950. Default decree of condemnation and destruction.