

"The record also includes the affidavit of Dr. Clinton Hobart Thienes, M. D., chairman of the Department of Pharmacology at the University of Southern California Medical School. Dr. Thienes states that the use of chlorine gas in an effective antiseptic concentration would be too irritating to be withstood by the average individual and that concentrations less than this are ineffective for any purpose. He states further that chlorine gas to be safely inhaled for even a short time requires a concentration of less than ten parts per million. The results of Mr. Weiss' test show that a constant output of such a safe amount was obtained at only two dial settings. Yet nowhere in the record is it shown that directions were available suggesting such dial settings. Furthermore, at these settings the chlorine output varied throughout the three hour period. Thus it is clear that adequate directions were not available for the use of the generators.

"Dr. Thienes stated that on the basis of the Weiss affidavit he was of the opinion that it would be extremely difficult to regulate the output of the Halox Therapeutic Generator to consistently elicit a safe output of chlorine. He further stated: 'I would consider the Halox Therapeutic Generator as being incapable of effective operation in the treatment of any disorder *and would consider that it would be impossible to devise for it any adequate directions for use.*'

"It is not necessary to determine whether adequate directions could be devised, although that possibility may be doubted. It is certain, however, that adequate directions were not available to the persons to whom the seized generators were shipped.

"The twenty-two devices, more or less, labeled in part 'Halox Therapeutic Generator' must be condemned and disposed of by destruction in accordance with the provisions of 21 U. S. C. A., Sec. 334 (d). Libelant shall recover its costs.

"Libelant is requested to prepare findings of fact and conclusions of law in conformity with this opinion."

In accordance with the foregoing opinion, findings of fact and conclusions of law were handed down. On September 11, 1951, judgment of condemnation was entered, and the court ordered that 3 of the devices be delivered to the Food and Drug Administration and that the remainder of the devices be destroyed.

#### DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3568. Adulteration of Fleaseed husks (*Plantago*). U. S. v. 12 Bags \* \* \*.  
(F. D. C. No. 30931. Sample No. 23904-L.)

LIBEL FILED: April 17, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about October 23, 1950, from India.

PRODUCT: 12 92-pound bags of *fleaseed husks* at Brooklyn, N. Y. Fleaseed is another name for the drug, *Plantago*.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 21, 1951. Default decree of condemnation and destruction.

3569. Adulteration of psyllium seed husks. U. S. v. 67 Bags \* \* \*. (F. D. C. No. 30933. Sample No. 23917-L.)

LIBEL FILED: April 19, 1951, Eastern District of New York.

ALLEGED SHIPMENT: From India, arriving on or about November 21, 1950.

PRODUCT: 67 92-pound bags of *psyllium seed husks* at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The