NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the article contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: October 8, 1952. A plea of guilty having been entered, the court imposed a fine of $1,000 against the defendant and placed him on probation for a period of 5 years.

3829. Misbranding of Beatsol Rectifiers, Beatsol Drawing Salve, and Beatsol Earache Liquid. U. S. v. Carl J. Greenblatt (G & W Laboratories). Plea of nolo contendere to counts 1, 2, and 3, and plea of guilty to counts 4, 5, and 6. Fine, $900. (F. D. C. No. 30618. Sample Nos. 73363-K, 73364-K, 73367-K, 73379-K, 73382-K, 73638-K.)

INDICTMENT RETURNED: April 22, 1952, District of New Jersey, against Carl J. Greenblatt, trading as G & W Laboratories, Jersey City, N. J.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and June 9, 1950, from the State of New Jersey into the State of New York.

LABEL, IN PART: "Formula—Phosphorus Ext. Nux Vomica ¼ gr. (Strychnine 1/55 gr.) Ext. Damiana * * * 24 Tablets Beatsol Rectifiers For Both Sexes," "Beatsol Drawing Salve * * * Formula—Rosin Ichthammol Petrolatum White Wax," and "Beatsol Earache Outfit * * * Ether 45 Min. Alcohol 20 Min. Oil of Camphor * * * Complete Outfit Consists of Cotton Rolls and Beatsol Earache Liquid."

NATURE OF CHARGE: *Beatsol Rectifiers.* Misbranding, Section 502 (a), the label statements "Rectifiers For Both Sexes * * * Lost vitality Impotence Exhausted Nervous Weakness" were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of lost vitality, impotence, exhaustion, nervousness, and weakness, whereas the article would not be efficacious in the treatment of such conditions. Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in that the article contained strychnine; and its labeling failed to warn that no more than the recommended dosage should be taken and that the use by elderly persons of a drug containing strychnine may be dangerous.

Beatsol Drawing Salve. Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of boils, carbuncles, ulcers, felons, and similar conditions implied by the abbreviation "etc.," whereas the article would not be efficacious in the treatment of such conditions.

Beatsol Earache Liquid. Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading. The statements repre-

sented and suggested that the article would be efficacious to relieve pain and aches in the ear and buzzing and water in the ear and to soften wax in the ear, whereas the article would not be efficacious for such purposes.

DISPOSITION: November 7, 1952. The defendant having entered a plea of nolo contendere to counts 1, 2, and 3, which related to the *Beatsol Rectifiers*, and a plea of guilty to counts 4, 5, and 6, which related to the *Beatsol Drawing Salve* and the *Beatsol Earache Liquid*, the court imposed a fine of $100 on each of the first three counts of the indictment and a fine of $200 on each of the remaining three counts, a total fine of $900.

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

3830. Adulteration and misbranding of imitation Premarin tablets. U. S. v. Max Lippmann. Plea of nolo contendere. Fine, $500. (F. D. C. No. 32695. Sample No. 23101-L.)

INFORMATION FILED: March 13, 1952, District of New Jersey, against Max Lippmann, Paterson, N. J.

INTERSTATE SHIPMENT: On or about April 4, 1950, from the State of New York into the State of New Jersey.

ALLEGED VIOLATION: Between the approximate dates of April 4 and August 31, 1950, while a number of tablets of the drug were being held for sale after shipment in interstate commerce, the defendant caused a number of tablets to be repackaged into envelopes and labeled and marked, in part, as "Premarin Tablets 1.25 mg.," and to be sold and delivered to various retail druggists, which acts resulted in the repackaged tablets being adulterated and misbranded.

NATURE OF CHARGE: Adulteration Section 501 (c), the strength of the repackaged tablets differed from, and their quality fell below, that which they purported and were represented to possess. The repackaged tablets purported to be and were represented as 1.25 mg. Premarin tablets, manufactured by Ayerst, McKenna & Harrison, Ltd., New York, N. Y., which tablets contain conjugated water-soluble estrogens equivalent to 1.25 mg. of sodium estrone sulfate, whereas the repackaged tablets were not 1.25 mg. Premarin tablets and did not contain conjugated water-soluble estrogens; and Section 501 (d) (2), a drug containing no conjugated water-soluble estrogens had been substituted for 1.25 mg. Premarin tablets, a drug which contains conjugated water-soluble estrogens.

Misbranding, Section 502 (a), the statement "Premarin Tablets 1.25 mg." on the label of the repackaged tablets was false and misleading. The statement represented and suggested that the repackaged tablets were 1.25 mg. Premarin tablets, manufactured by Ayerst, McKenna & Harrison, Ltd., New York, N. Y., which tablets contain conjugated water-soluble estrogens equivalent to 1.25 mg. of sodium estrone sulfate, whereas the repackaged tablets were not 1.25 mg. Premarin tablets and did not contain conjugated water-soluble estrogens; and, Section 502 (i) (2), the repackaged tablets were an imitation of another drug in that such tablets resembled in outward appearance genuine 1.25 mg. Premarin tablets, and were labeled, sold, and distributed as genuine 1.25 mg. Premarin tablets containing conjugated water-soluble estrogens equivalent to 1.25 mg. of sodium estrone sulfate, which are manufactured by Ayerst, McKenna & Harrison, Ltd., New York, N. Y., but the re-