

The complaint alleged further that despite the warnings conveyed to the defendant by the plant inspections, the defendant continued to introduce and deliver for introduction into interstate commerce drugs which were adulterated and misbranded as described above.

**DISPOSITION:** On August 14, 1952, the court entered a temporary restraining order, under which the defendant was temporarily restrained and enjoined from directly or indirectly introducing, or delivering for introduction into interstate commerce, drugs adulterated and misbranded in the manner complained of. On August 20, 1952, pursuant to a stipulation between the Government and the defendant, the court entered an order continuing the temporary restraining order in effect.

On December 21, 1953, upon consideration of a motion from the defendant showing that the drugs being shipped by the defendant were in compliance with the law in that such drugs were being manufactured under proper analytical and sterility controls, the court entered an order vacating the temporary restraining order and dismissing the complaint.

**4231. Adulteration and misbranding of Visnico tablets. U. S. v. 110 Bottles, etc.**  
(F. D. C. No. 35410. Sample No. 22865-L.)

**LIBEL FILED:** August 27, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about May 28, 1953, by the Bonded Laboratories, from Brooklyn, N. Y.

**PRODUCT:** 110 1,000-tablet bottles and 552 100-tablet bottles of *Visnico tablets* at East Orange, N. J.

**LABEL, IN PART:** (Bottle) "Pulvoids No. 500 Visnico (with Phenobarbital) Each Pulvoid Contains: \* \* \* Potassium Nitrate 2 grains Sodium Nitrite 1 grain."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, 2 grains of potassium nitrate and 1 grain of sodium nitrite per tablet.

Misbranding, Section 502 (a), the label statements "Potassium Nitrate 2 grains" and "Sodium Nitrite 1 grain" were false and misleading since the article contained less than the declared amounts of such ingredients.

**DISPOSITION:** October 1, 1953. Default decree of condemnation and destruction.

**4232. Adulteration and misbranding of lubricating jelly. U. S. v. 95 Cartoned Tubes \* \* \*. (F. D. C. No. 35448. Sample No. 42752-L.)**

**LIBEL FILED:** August 6, 1953, Northern District of California.

**ALLEGED SHIPMENT:** On or about May 6, 1953, by the Tablex Co., from New York, N. Y.

**PRODUCT:** 95 cartoned tubes of lubricating jelly at San Francisco, Calif.

**LABEL, IN PART:** "A non-greasy water soluble surgical lubricant lens lubricating jelly sterile."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the purity of the article fell below that which it purported and was represented to possess since it purported to be sterile when, in fact, it was not sterile.

Misbranding, Section 502 (a), the label statement "sterile" was false and misleading as applied to an article which was not sterile.

**DISPOSITION:** September 28, 1953. Default decree of condemnation and destruction.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS**

**DRUGS FOR HUMAN USE\***

**4233. Misbranding of vitamin and mineral tablets. U. S. v. 12 Bottles, etc.**  
(F. D. C. No. 34884. Sample Nos. 40638-L to 40648-L, incl.)

**LABEL FILED:** March 16, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On various dates, on and after October 14, 1952, by J. M. Sleighter, from Salem, Oreg.

**PRODUCT:** 12 bottles of the \$12.00-size, 41 bottles of the \$5.00-size, and 41 cartons of the sample size of Elemin mineral tablets; 3 bottles of the \$12.00-size and 25 bottles of the \$5.00-size of multiple vitamin tablets; 6 cartons of the \$9.00-size and 5 cartons of the \$30.00-size of an article designated as "Royal Formula" and containing a number of Elemin mineral tablets and a number of multiple vitamin tablets; and 7 cartons of the \$21.00-size and 4 cartons of the \$12.00-size of an article designated as "Supreme Formula," and containing a number of Elemin mineral tablets and a number of multiple vitamin tablets, at Seattle, Wash., together with a number of accompanying leaflets, circulars, and booklets entitled "Elemin Mineral Tablets," "Elemin Mineral Tablets and Royal Formula Multiple Vitamins," "Elemin Mineral Tablets and Supreme Formula Multiple Vitamins," "Mineral Chart," "It's Later Than You Think Watch Your Diet," "Health Facts You Should Know! Elemin Mineral tablets \* \* \*," "Health Facts You Should Know. Compiled by A. Goeke," "Facts You Should Know," "Did You Know That 999 out of every 1000 people lack the proper nutrition," "Young Middle Aged and Elderly People!" "The Following is a Reprint of a Published Article, For Informative and educational purposes only, *not to be used in the sale of any product*," "Soil A Foundation of Health," and "Modern Miracle Men," all of which contained statements relating to the articles.

**RESULTS OF INVESTIGATION:** Some of the leaflets, circulars, and booklets mentioned above were shipped by J. M. Sleighter from Salem, Oreg., on various dates during 1951, 1952, and 1953, and some of the material was printed locally on the order of Loran S. Stone of Seattle, Wash., the consignee of the products, or obtained by him from a supplier in Milwaukee, Wis.

**LABEL, IN PART:** (Elemin mineral tablets) "As a Source of the Minerals Iron and Iodine Contains: Iodine and Iron as naturally present in dehydrated kelp, iron gluconate and a sedimentary mineral deposit, with excipients \* \* \* Four Tablets Per Day Will Provide: Iodine—Not less than 0.2 milligrams 200% minimum daily adult requirements. Iron—Not less than 30.0 milligrams 300% minimum daily adult requirements. \* \* \* The ingredients in this product are from dehydrated kelp, iron gluconate and sedimentary mineral deposits"; (\$12.00-size and \$5.00-size) "Manufactured for Morgan & Bush, Inc. 415 Brower Bldg., Bakersfield, Calif. Distributed Exclusively by—G & J Distributors 1945 Grove St., Berkeley 4, California"; (sample size) "Distributed by G & J Distributors 1945 Grove St., Berkeley 4, Calif."

(G & J Formula No. 701 [or 601] multiple vitamins) "Each 2 Tablets Will Supply: Vitamin A \* \* \* . . . 5,000 U. S. P. Units Vitamin D \* \* \* . . .

\*See also Nos. 4225-4227, 4230-4232.