5164. Nutrilite food supplement. (F. D. C. No. 39346. S. No. 38–006 M.)

INFORMATION FILED: 10–12–56, N. Dist. Ohio, against Harold J. Kennedy, Youngstown, Ohio.

ALLEGED VIOLATION: On or about 1–26–56, the defendant, in the course of a sales talk to individuals, made oral representations that the article was an effective treatment for the diseases, symptoms, and conditions set forth below, which act resulted in the article being misbranded while held for sale after shipment in interstate commerce.

LABEL IN PART: (Pkg.) "Nutrilite (R) XX Food Supplement This package contains multiple vitamin capsules and mineral tablets for use as a dietary food supplement to fortify, or supplement, the diet."

CHARGE: 502 (f) (1)—the labeling of the article failed to bear adequate directions for use in the treatment of the diseases, symptoms, and conditions for which the article was intended, namely, cerebral thrombosis, blood clots of the heart and brain, arthritis, arteriosclerosis, high blood pressure, hay fever, asthma, diabetes, headaches, emesis, ulcerated stomach, general run-down condition, cataracts, and cancer.

PLEA: Guilty.

DISPOSITION: 11–30–56. Defendant placed on probation for 6 months.

5165. Aserpon tablets. (F. D. C. No. 38946. S. No. 23–628 M.)

QUANTITY: 10 100-tablet labeled btls. and 15,000 unlabeled tablets at Boston, Mass., in possession of R. J. Moran Co.

SHIPPED: On 4–6–55, a concentrate of reserpine was shipped from Brooklyn, N. Y., by Chas. Pfizer & Co., Inc.

LABEL IN PART: (Btl.) "Aserpon 0.25 mg. Caution: Federal law prohibits dispensing without prescription * * * Each tablet contains Reserpine 0.25 mg."

RESULTS OF INVESTIGATION: Upon receipt of the reserpine concentrate by the consignee at Boston, Mass., the concentrate was processed into tablets.

The tablets made from the concentrate were regarded as a new drug. However, the label of the concentrate when shipped did not bear the statement provided by the regulations for bulk material intended for use in the manufacture of a new drug; and the labeling of the article did not bear adequate directions for use, nor was the concentrate exempt from bearing adequate directions for use.

LIBELED: 2–13–56, Dist. Mass.

CHARGE: 502 (f) (1)—the labeling of the article, when shipped, failed to bear adequate directions for use.

DISPOSITION: 6–4–56. Default—destruction.

5166. Myo-Flex device. (F. D. C. No. 38647. S. No. 10–820 M.)

QUANTITY: 2 devices at Dickinson, Tex.

SHIPPED: In March 1954 and July 1955, by Mr. E. B. Dodd, from Shreveport, La.

LABEL IN PART: (Device) "The Edwards Neurotheraphy Modality 'Myo-Flex'."

ACCOMPANYING LABELING: Booklet entitled "1955 Edition of the Basic Procedure for Operating The Automatic Neurotheraphy Modality: 'The Edwards Myo-Flex'."