

for which it was intended, namely, the diseases, symptoms, and conditions set forth above.

PLEA: Not guilty.

DISPOSITION: On 11-25-55, the defendant filed a motion for a bill of particulars, and on 1-27-56, the court granted the motion with respect to 2 of the 6 items on which particulars were requested. Thereafter, the defendants filed a motion for dismissal of the information on the ground that it did not state sufficient facts to constitute an offense against the United States, and on 6-27-56, the court denied the motion.

The case came on for trial before the court and jury on 5-21-57, and was concluded with the return by the jury, on 5-24-57, of a verdict of guilty.

On 6-3-57, the court fined John Josef \$500 and Elinor M. F. Josef \$1,000, but remitted \$500 of the latter fine.

5204. Keystone blood and kidney remedy. (F. D. C. No. 38506. S. Nos. 30-509 L, 64-764 L.)

INDICTMENT FILED: 9-12-56, W. Dist. Wash., against Forward Club, a corporation, Seattle, Wash., and James L. Evans, president.

ALLEGED VIOLATION: On 9-9-54, while a number of bottles of *Keystone blood and kidney remedy* was being held for sale on the premises of the Forward Club, after shipment in interstate commerce, the defendants caused the drug to be associated with various items of written, printed, and graphic matter relating to the sales promotion of the drug, which act resulted in the drug being misbranded.

LABEL IN PART: "Keystone Blood & Kidney Remedy Ingredients: Herbs And Organic Minerals."

CHARGE: 502 (a)—The labeling associated with the drug, while held for sale after shipment in interstate commerce, contained false and misleading representations that the drug was effective for the prevention and treatment of cancer, as well as for overcoming kidney ailments, chronic liver and gall-bladder trouble, and diabetes, and for the prevention and treatment of liver trouble, ulcers, kidney trouble, colds, hemorrhoids, piles, diarrhea, rheumatism, dysentery, neuralgia, lung trouble, hemorrhages, and fever; and 502 (f) (1)—the labeling of the drug failed to bear adequate directions for use.

PLEA: Guilty.

DISPOSITION: 10-29-56. Forward Club fined \$500; Evans fined \$100 and placed on probation for 5 years.

5205. Various drugs. (F. D. C. No. 38725. S. Nos. 7-879/89 M.)

QUANTITY: 1 drum containing 24,750 *Special Formula Tablets Laxative No. 1*; 1 drum containing 9,750 and 1 drum containing 12,950 *KH thyroid tablets*; 1 drum containing 17,550 *KH #211 tablets*; 2 boxes containing a total of 7,250 *Special Formula No. 3044 tablets*; 1 jar containing 4,750 *Thyrotalis RP-2 tablets*; 3 jars containing a total of 12,450 *Private Formula capsules*; 4 drums, 12,500 tablets each, and 2 drums, containing a total of 57,750 tablets, of *KH #215 tablets*; 1 drum containing 19,500 *KH Special tablets*; and 3 drums containing a total of 31,500 *KH-RP 2 tablets*, at Oklahoma City, Okla., in possession of Kirk-Howard, Inc.

SHIPPED: Between 7-27-54 and 9-21-55, the article labeled "Special Formula Tablets Laxative No. 1" was shipped from Memphis, Tenn., by William A.

Webster Co. The other articles were shipped by other firms from Union City, N. J., St. Louis, Mo., and Dallas, Tex.

LABEL IN PART: (Drum) "Special Formula Tablets Laxative No. 1 Sugar Coated Blue Pil. Rhubarb Comp. 1 grain Ext. Cascara $\frac{1}{2}$ grain Asafoetida $\frac{1}{2}$ grain Aloin $\frac{1}{16}$ grain Ext. Nux Vomica $\frac{1}{10}$ grain (equivalent strychnine .0074 grain) Oleoresin Ginger $\frac{1}{16}$ grain Oil Peppermint q. s. Lot No. 3253," "KH-2 gr. Thyroid Each Table Contains: Thyroid U. S. P. 2 gr. * * * Caution: Federal law prohibits dispensing without prescription," "KH #211 Each tablet contains: Thyroid U. S. P. 2 gr. Digitalis U. S. P. 1 gr. * * * Caution: Federal law prohibits dispensing without prescription," "KH #215 Each tablet contains: Thyroid U. S. P. 3 gr. Digitalis U. S. P. $\frac{3}{4}$ gr. * * * Caution: Federal law prohibits dispensing without prescription," "KH Special (formerly #35) Each tablet contains: Inert Ingredient $1\frac{1}{2}$ gr. Thyroid U. S. P. 2 gr. * * * Caution: Federal law prohibits dispensing without prescription," or "KH-RP 2 Each tablet contains: Thyroid U. S. P. 1 gr. Digitalis U. S. P. $\frac{1}{2}$ gr. * * * Caution: Federal law prohibits dispensing without prescription"; (box) "Special Formula No. 3044 * * * Each tablet contains yellow phenolphthalein, Not U. S. P. 2 gr. Bryonia $\frac{1}{40}$ gr. Hydrastis $\frac{1}{40}$ gr. An active laxative"; (jar) "Thyrotalis RP-2 Caution—Federal Law Prohibits Dispensing Without Prescription * * * Each tablet contains: Thyroid Disis. [sic] U. S. P. 1 gr. Digitalis Pwd. U. S. P. $\frac{1}{2}$ gr.," or "Private Formula Capsules Thyrotalis RP-2 No. of Formula #7232 * * * Rx per capsule: Thyroid Disiccated [sic] U. S. P. 1 gr. Digitalis U. S. P. Powd. $\frac{1}{2}$ gr. Milk Sugar 1 gr."

RESULTS OF INVESTIGATION: Kirk-Howard, Inc., did business in the residence of Peter W. Burgess, president of the corporation and partner in the Burgess Weight Control Clinic, which was located in the same residence. Part of the above articles were used in the Burgess Weight Control Clinic.

The drugs were dispensed without medical supervision and without the prescription of a practitioner licensed by law to administer them since neither Peter W. Burgess nor his assistant were licensed to administer or dispense drugs.

LIBELED: 12-6-55, W. Dist. Okla.

CHARGE: 502 (f) (1)—the articles were intended to be used in weight reduction, and their labelings failed to bear adequate directions for use for that purpose while held for sale; and 502 (f) (2)—the article labeled "Special Formula Tablets Laxative No. 1," when shipped, failed to warn against use of the article when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present; also, that frequent or continued use of the article might result in dependence on laxatives.

DISPOSITION: 1-9-56. Consent—claimed by Kirk-Howard, Inc. The articles were released on condition that the nonprescription drugs be relabeled and thereafter sold and that the prescription drugs be sold or otherwise disposed of to licensed drug stores, licensed prescription shops, or licensed physicians and surgeons.

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

5206. Sulfanilamide tablets. (F. D. C. No. 38526. S. No. 7-515 M.)

INDICTMENT RETURNED: 6-1-56, Dist. Colo., against Earl O. Meyer Drugs, Inc., Denver, Colo., and Earl O. Meyer, president.