

aged the drug into bottles labeled as above. The consignee also encapsulated some of the bulk powder.

LIBELED: 5-9-56, W. Dist. N. Y.

CHARGE: 502 (a)—the label of the article, while held for sale, contained the statements, "Highly recommended in Diabetes treatment" and "Manganese Dioxide C. P.," which were false and misleading since the article was not an adequate and effective treatment for diabetes and the article was a technical grade of manganese dioxide.

DISPOSITION: 8-28-56. Default—destruction.

5215. Al-Co-Way Tablets. (F. D. C. No. 38702. S. No. 28-045 M.)

QUANTITY: 66 btls. at Columbus, Ga., in possession of Ernest C. Fokes, t/a Primary Products Co.

SHIPPED: During April 1955, from New York, N. Y.

LABEL IN PART: (Btl.) "50 Al-Co-Way Tablets Caffeine Citrate And Thiamin Hydrochloride To Discourage Excessive Use of Alcoholic Beverages * * * Dist. By Primary Products Co. Columbus, Ga."

RESULTS OF INVESTIGATION: The article was shipped in bulk to Columbus, Ga., and after its receipt it was repackaged and relabeled by the consignee.

LIBELED: On or about 11-28-55, M. Dist. Ga.; libel amended on or about 2-15-56.

CHARGE: 502 (a)—the statement on the label of the article, while held for sale, namely, "Al-Co-Way Tablets * * * To Discourage Excessive Use Of Alcoholic Beverages" was false and misleading since the statement represented and suggested that the article was an adequate and effective treatment for alcoholism, whereas the article was not an adequate and effective treatment for alcoholism.

DISPOSITION: Ernest C. Fokes, as owner of the article, filed an answer denying that the article was misbranded. The Government served written interrogatories upon the owner, and on 4-14-56, the owner filed answers to some interrogatories and objections to the remainder of the interrogatories. A hearing was held on the objections, and on 8-20-56, the court ordered that all objections be sustained, with the exception of the objections relating to two of the interrogatories. The case was tried before the court and jury on 9-12-56, and at the conclusion of the trial, the jury returned a verdict for the Government. On 12-28-56, the court entered a decree ordering the destruction of the article.

5216. Prof. Black's Honey and Tar Red Pepper and Rum. (F. D. C. No. 39673. S. No. 47-887 M.)

QUANTITY: 38 6-oz. btls. at Sussex, N. J.

SHIPPED: 10-4-56, from Middletown, N. Y., by O. C. Prior-King.

LABEL IN PART: (Btl.) "Prof. Black's Honey and Tar Red Pepper and Rum."

LIBELED: 11-8-56, Dist. N. J.

CHARGE: 502 (a)—the bottle label of the article, when shipped, contained false and misleading representations that the article was an adequate and effective treatment for overcoming colds, coughs, sore throat, quinsy, diphtheria, and all throat and lung complaints, and for preventing pneumonia, pleurisy, and consumption.

The libel alleged also that another article. imitation vanilla flavor, was adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on food.