

For a description of the insanitary conditions at the Strathmore plant, see the above-mentioned notice of judgment on foods, No. 24741.

The amended complaint alleged that the olive pomace was purchased by Strathmore from olive pressors and consisted of the residue remaining after olive oil was pressed from olives; that the olive pomace was handled as garbage by the olive pressors and exposed to the elements and to insects, birds, rodents, and squirrels; and, that the olive pomace was adulterated when it reached Strathmore by reason of such exposure.

**DISPOSITION:** On 5-14-57, the court issued a temporary restraining order restraining the defendants from shipping or causing the shipment in interstate commerce, and, more particularly, from delivering or causing the delivery to persons in California known to be engaged in the distribution of oils in interstate commerce, oils which consisted in part of filthy substances or had been prepared or held under insanitary conditions.

On 10-29-57, the cause came on for a hearing on the motion for a preliminary injunction. Thereafter, on 11-6-57, the court orally denied the motion.

Subsequently, on 2-11-58, the Government filed a motion to dismiss the complaint, based upon the grounds that (1) there had been a material improvement in the operations of Strathmore Oils & Fats Co., Inc., especially in the handling of raw materials and extracted oils; (2) that the temporary restraining order had resulted in the adoption by the defendants of a sanitation program encompassing the suppliers of raw materials; and (3) that there appeared to be no further need for an injunction to prevent violation of the Act. The motion to dismiss was granted by the court on 2-12-58.

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

**5719. Chorionic gonadotropin.** (F.D.C. No. 41317. S. No. 68-044 M.)

**QUANTITY:** 180 vials at Kansas City, Mo.

**SHIPPED:** 4-25-57, from Los Angeles, Calif.

**LIBELED:** 1-6-58, W. Dist. Mo.

**CHARGE:** 501(c)—while held for sale, the strength of the article differed from that which it was represented to possess, namely, 10,000 I.U. of *chorionic gonadotropin* potency per vial; and 502(a)—the label statement "10,000 Int. Units Chorionic Gonadotropin" was false and misleading as applied to a product, the potency of which was substantially less than 10,000 I.U. of *chorionic gonadotropin*.

**DISPOSITION:** 2-25-58. Default—destruction.

**5720. Chorionic gonadotropin.** F.D.C. No. 41358. S. No. 86-963 M.)

**QUANTITY:** 969 vials at Kansas City, Mo.

**SHIPPED:** 9-26-57 and 10-16-57, from Orange, N.J.

**RESULTS OF INVESTIGATION:** Examination showed that the article contained substantially less than 2,500 I.U. of *chorionic gonadotropin* potency per vial.

**LIBELED:** On or about 1-16-58, W. Dist. Mo.

**CHARGE:** 501(c)—while held for sale, the strength of the article differed from that which it was represented to possess, namely, 2,500 I.U. of *chorionic gonadotropin* potency per vial.

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\*See also Nos. 5706, 5708, 5711, 5716.

DISPOSITION: 2-26-58. Default—destruction.

**5721. Arben capsules.** (F.D.C. No. 40615. S. No. 65-351 M.)

INFORMATION FILED: 8-4-58, S. Dist. Fla., against Arthur Bennett, Miami Beach, Fla.

SHIPPED: 12-31-56, from Miami Beach, Fla., to Youngstown, Ohio.

LABEL IN PART: "Arben Capsules Number 2 Each capsule contains: Desiccated Thyroid 5 mgm. Caffeine 2.2 mgm. Amphetamine Sulfate 1.2 mgm. With fillers Arthur Bennett Pharmaceuticals Miami Beach, Florida #1109."

CHARGE: 501(c)—the strength of the article differed from that which it purported to possess since each capsule of the article contained more than 1.2 milligrams of amphetamine sulfate.

PLEA: Nolo contendere.

DISPOSITION: 2-25-59. \$1,000 fine.

**5722. Del-Bardex capsules.** (F.D.C. No. 41692. S. No. 39-322 P.)

QUANTITY: 1 drum containing 9,600 capsules at Napa, Calif.

SHIPPED: 3-12-58, from Rensselaer, N.Y., by Delmar Pharmacal Corp.

LABEL IN PART: "Del-Bardex #1 Timed Disintegration Capsule Each Capsule Contains: Dextro Amphetamine Sulfate 10 mg. Amobarbital 60 Mg. \* \* \* Each Capsule Contains 15 Mg. of Dextro Amphetamine Sulfate and 60 Mg. of Amobarbital In a Special Base That Provides for the Disintegration of the Contents Throughout a Period of About 6-10 Hours."

RESULTS OF INVESTIGATION: Analysis showed that the article contained 10 milligrams of dextro-amphetamine sulfate of which 70 percent was released in 2 hours.

LBELED: 5-6-58, N. Dist. Calif.

CHARGE: 501(c)—the quality of the article, when shipped, differed from that which it purported or was represented to possess in that it failed to disintegrate at a uniform rate over a 6-10 hour period; and 502(a)—the label statement "Each Capsule Contains 15 Mg. of Dextro Amphetamine Sulfate \* \* \* In a Special Base That Provides for the Disintegration of the Contents Throughout a Period of About 6-10 Hours" was false and misleading as applied to the article which contained only 10 milligrams of dextro-amphetamine sulfate per capsule, and did not release such ingredient at a uniform rate over a 6-10 hour period.

DISPOSITION: 6-12-58. Default—destruction.

**5723. Somnesium capsules.** (F.D.C. No. 41861. S. No. 31-358 P.)

QUANTITY: 326 24-capsule vials at Newark, N.J., in possession of Hicks Pharmacal Co.

SHIPPED: 9-25-57, from Mount Vernon, N.Y.

LABEL IN PART: "Somnesium to induce Sleep Each capsule contains 25 mg. Methapyrilene HCl. 66.6 mg. Aspirin 133.4 mg. Salicylamide \* \* \* Distributed by Hicks Pharmacal Company."

RESULTS OF INVESTIGATION: Examination showed that the product had the odor of acetic acid, a caking of the contents, free salicylic acid, and 70 percent of the labeled amount of aspirin, all of which indicated decomposition of the aspirin. The article contained the labeled amount of methapyrilene HCl and salicylamide.