

that the article was Panalba capsules; 502(b)(2)—the label of the article bore no statement of the quantity of contents; 502(d)—the article contained a chemical derivative of codeine, namely, codeine sulfate, which derivative had been found to be, and by regulations designated as, habit forming, and the label of the article failed to bear a statement of the quantity of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming"; 502(e)(1)—the label of the article failed to bear the common or usual name of the article, namely, Dasin C. S.; 502(e)(2)—the label of the article failed to bear the common or usual name of each active ingredient in each capsule of the article, including the name, quantity, kind, and proportion of acetophenetidine and atropine or any derivative of any such substances contained therein; 502(f)(1)—the labeling of the article failed to bear adequate directions for use; 502(f)(2)—the labeling of the article failed to bear such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods of administration or application, in such manner and form, as are necessary for the protection of users; and 502(i)(3)—the article was offered for sale under the name of another drug.

PLEA: Guilty.

DISPOSITION: 12-5-58. Each defendant was fined \$1,500, given a jail sentence of 1 year, which was suspended, and placed on probation for 3 years.

5784. Vitamin-mineral supplement, Special Formula dietary supplement, inhalant & rubbing oil, and salve. (F.D.C. No. 42231. S. Nos. 25-277/80 P.)

QUANTITY: 318 60-tablet btl. of *vitamin-mineral supplement*, 18 btl. *Special Formula dietary supplement*, 136 1-oz. vials *inhalant & rubbing oil*, and 144 2-oz. tins of *salve*, at Mitchell, S. Dak.

SHIPPED: At various times, from outside the State of South Dakota.

LABEL IN PART: (Btl.) "Napier's 14 & 10 (Improved) Vitamins-Minerals A dietary supplement * * * Prepared for Chief D. A. Napier, R.R. #3—Tahlequah, Okla." and "Napier's Special Formula E.P. A high potency dietary supplement furnishing a wide range of vitamins and minerals * * * Distributed by Chief D. A. Napier"; (tin) "Napier's Family Salve Active Ingredients: Methyl Salicylate, Oil Pine Tar and Balsam Peru in a Petrolatum base * * * Chief D. A. Napier"; (vial) "Napier's Inhalant & Rubbing Oil * * * Active Ingredients: Eucalyptus Oil, Menthol, Peppermint Oil, Thymol, Camphor * * * Chief D. A. Napier."

ACCOMPANYING LABELING: Booklets entitled "Napier's Health Book" and leaflets entitled "Chief Don A. Napier and Family * * * How Vitamins & Minerals Help The Whole Family—The Price of Health."

LIBELED: 10-21-58, Dist. S. Dak.

CHARGE: 502(a)—the labeling accompanying the *vitamin-mineral supplement* and the *Special Formula dietary supplement*, while held for sale, contained false and misleading representations that the articles were effective in the prevention and treatment of tuberculosis, heart disease, liver and kidney disorders, gout, jaundice, skin diseases, indigestion, sexual weakness or impotence, mental deficiency, diabetes, catarrh, sores that do not heal, arthritis, rheumatism, chronic bronchitis, and cirrhosis of the liver; and 502(f)(1)—while held for sale, all the articles failed to bear adequate directions for the uses for which they were intended, namely, (*vitamin-mineral supplement*) for