

CHARGE: 501(c)—when shipped, the purity and quality of the article fell below that which it purported and was represented to possess, since it purported to be suitable for use in the eye and for cleaning contact lenses and rendering them free from microbial contamination; whereas it was not suitable for such uses and purposes since it was contaminated with large numbers of viable micro-organisms.

DISPOSITION: 8-5-59. Default—destruction.

5879. Rectal thermometers. (F.D.C. No. 42539. S. No. 32-231 P.)

QUANTITY: 264 rectal thermometers in envelopes at Englewood, N.J.

SHIPPED: 10-7-58, from Brooklyn, N.Y., by Adelphi Surgical Co., Inc.

LABEL IN PART: (Envelope) "Certificate of Examination Fever Thermometer * * * issued by the United States Dept. of Commerce Comet Thermometer Co., Brooklyn, N.Y. [or Cardinal Thermometer Co., Brooklyn, N.Y.]" and (engraved on thermometer) "Adelco Rectal."

RESULTS OF INVESTIGATION: Examination of 24 thermometers showed that 13 failed to meet the requirement for accuracy specified in CS1-52, issued by the National Bureau of Standards, when tested as described in CS1-52.

LIBELED: 12-5-58, Dist. N.J.

CHARGE: 501(c)—when shipped, the quality of the article fell below that which it purported and was represented to possess since it did not give accurate readings; and 502(a)—the label statement "tested and found to meet all the requirements and tests specified in the Commercial Standard CS1-52" was false and misleading.

DISPOSITION: 1-12-59. Default—destruction.

5880. Rubber prophylactics. (F.D.C. No. 42695. S. No. 45-221 P.)

QUANTITY: 93 12-box ctns., each box containing 12 prophylactics, at Salt Lake City, Utah.

SHIPPED: 10-13-58, from North Kansas City, Mo., by Dean Rubber Mfg. Co.

LABEL IN PART: (Ctn.) "Peacocks The Original Reservoir Ends * * * Redi-Wet Rubbers in Foil * * * Dean Rubber Mfg. Co. North Kansas City, Mo.," (box) "Peacocks Redi-Wet Rubbers in Foil."

RESULTS OF INVESTIGATION: Examination of 288 prophylactics showed that 1.4 percent were defective since they contained holes.

LIBELED: 2-17-59, Dist. Utah.

CHARGE: 501(c)—the quality of the article, when shipped, fell below that which it purported to possess.

DISPOSITION: 4-24-59. Default—condemnation.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

5881. Arman's ear drops. (F.D.C. No. 42380. S. No. 27-319 P.)

QUANTITY: 40 btls. at Des Moines, Iowa.

SHIPPED: Between 8-29-58 and 10-14-58, from Omaha, Nebr., by Arman Drug Co., Inc.

*See also Nos. 5864, 5869-5872, 5875-5877, 5879.

LABEL IN PART: (Btl.) "Contents 15 C.C. * * * Arman's Ear Drops * * * Manufactured by Arman Drug Co., Inc., Omaha, Nebraska, Formula: Benzalkonium Chloride 1:1,000 Chlorobutanol (anhydrous) 1% Benzocaine and Urea in Propylene Glycol and Glycerine Base."

LIBELED: 12-1-58, S. Dist. Iowa.

CHARGE: 502(a)—the label of the article, when shipped, contained false and misleading representations that the article was an adequate and effective treatment for ear infections and earache.

DISPOSITION: 1-5-59. Consent—destruction.

5882. Meducrin cream and Meducrin lotion. (F.D.C. No. 42292. S. No. 2-317 P.)

QUANTITY: 2,200 boxes, each containing 1 cartoned bottle of lotion and 1 cartoned tube of cream, at Miami Beach, Fla., in possession of Hartel, Inc.

SHIPPED: 5-16-58, from West Germany.

LABEL IN PART: (Btl.) "Meducrin Lotion For Hair Grooming and Removal of Dandruff Scales * * * distributed in the U.S.A. by: Hartel Inc. * * * Contents 7 Fluid Ounces," (tube) "Meducrin Cream for Hair Grooming and Removal of Dandruff Scales * * * Distributed in the U.S.A. by: Hartel Inc. * * * Contents: 2½ ounces."

ACCOMPANYING LABELING: Circular letter entitled "Meducrin * * * Dear Friend."

RESULTS OF INVESTIGATION: Analysis showed that the article was a clear, yellow-colored, perfumed liquid containing some sediment and composed essentially of isopropyl alcohol, menthol, glandular extract, resorcinol, and perfume. The above-mentioned circular letter was printed at the request of the dealer.

LIBELED: 11-13-58, S. Dist. Fla.

CHARGE: 502(a)—the labeling accompanying the article, while held for sale, contained false and misleading representations that the article was an adequate and effective treatment for overcoming dandruff and baldness, stopping falling hair, growing hair, and curing scalp sores and itchy scalp.

DISPOSITION: 12-9-58. Hartel, Inc., claimant, having consented to the condemnation of the article and to the entry of an injunction, a decree was entered condemning the article and permanently enjoining the claimant against introducing into interstate commerce any article similar to that under seizure which is accompanied by labeling containing the representations indicated above, and against doing any act with respect to such article, while held for sale after shipment in interstate commerce, which would result in the article being accompanied by labeling containing such representations. In accordance with the consent decree, the article was released under bond and relabeled.

5883. Bergman's mixture. (F.D.C. No. 42547. S. No. 42-112 P.)

QUANTITY: 897 pt. btls. and 386 qt. btls. at Portland, Oreg.

SHIPPED: Between 5-26-58 and 6-27-58, from Seattle, Wash., by Bergman Drug Mfg. Co.

LABEL IN PART: "Bergman's Mixture * * * Active Ingredients: Bismuth Subnitrate, Bismuth Subgallate, Milk of Magnesia, Peppermint with sodium Benzoate 0.2% Directions * * * Manufactured exclusively for Bergman Drug Manufacturing Co. * * * Renton, Washington."