

for sale, the labeling of the devices failed to bear adequate directions for use for the purposes for which they were intended, namely, for diagnosing or treating leg trouble, menopausal difficulties, arthritis, poisons in the body, underactive or overactive organs, and fractures, which were the conditions for which they were orally represented by J. Vincent Reed, D.C., on 2-5-58.

DISPOSITION: On 5-19-58, J. Vincent Reed, D.C., claimant, filed an answer denying that the devices were misbranded as alleged in the libel, and on the same day filed a motion to dismiss the libel. The motion to dismiss was overruled on 6-24-58.

On 11-5-58, the Government filed written interrogatories which were served against the claimant. Subsequently, the Government filed a motion for order of default decree of condemnation for failure to answer the interrogatories. On 12-15-58, the claimant filed a second motion to dismiss the libel. The court, on 12-16-58, denied claimant's motion and denied also the Government's motion for default decree. The Government then filed a motion for order compelling an answer by the claimant to the written interrogatories. The court granted the motion on 12-30-58.

Thereafter, the Government and claimant having stipulated on additional facts, and having submitted the matter to the court for decision, the court, on 5-15-59, handed down findings of fact and conclusions of law to the effect that the leaflets accompanied and served to misbrand the devices. The court made no finding of misbranding under 502(f) (1).

On 5-21-59, judgment of condemnation was entered and the court ordered the devices to be delivered to the Food and Drug Administration.

DRUGS FOR VETERINARY USE

5907. Medicated feed. (F.D.C. No. 42903. S. No. 48-142 P.)

QUANTITY: 18 100-lb. bags at West Bridgewater, Mass.

SHIPPED: 2-13-59, by Dean & Lee, from Horseheads, N.Y.

RESULTS OF INVESTIGATION: The article was shipped in response to an order for a poultry feed containing 0.0125 percent sulfaquinoxaline.

Examination showed that the article delivered contained about 0.095 percent sulfaquinoxaline.

LIBELED: 3-25-59, Dist. Mass.

CHARGE: 501(c)—when shipped, the strength of the article differed from that which it purported to possess; 502(b)—the label of the article failed to bear (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; 502(e) (2)—the label failed to bear the common or usual name of each active ingredient; 502(f)—the labeling failed to bear (1) adequate directions for use and (2) adequate warnings against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of the user.

DISPOSITION: 5-4-59. Default—destruction.

5908. Hexadin, Arsan Powder, and Weatol. (F.D.C. No. 42927. S. Nos. 22-121/3 P.)

QUANTITY: 6 cases, 12 1-lb. jars each, and 4 25-lb. drums, of *Hexadin*, 10 8-oz. jars of *Arsan Powder*, and 2 1-gal. jars of *Weatol*, at Superior, Nebr.