

RESULTS OF INVESTIGATION: The article was shipped in unlabeled bottles as described above, and after receipt at St. Joseph, Mo., was labeled by the dealer.

LIBELED: On or about 3-16-61, W. Dist. Mo.

CHARGE: 502(f)(1)—while held for sale, the labeling of the article failed to bear adequate directions for use and it was not exempt from such requirement since it was a prescription drug labeled for human use and it was not in the possession of a person or firm regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs for human use.

DISPOSITION: 5-5-61. Default—destruction.

6554. Figurette protein tablets. (F.D.C. No. 43950. S. No. 56-630 P.)

QUANTITY: 10 cases, 12 btls. each (5 cases of which contained mint-flavored tablets and 5 cases, cherry-flavored tablets), at Atlanta, Ga., in the possession of Figurette, Inc.

SHIPPED: 4-7-59, from Cleveland, Ohio, by Don Saunders, t/a Destiny Enterprises.

LABEL IN PART: "Figurette Protein 200 Tablets Mint Flavor [or "Cherry Flavor"] Distributed by Destiny Enterprises, 708 Frankfort Ave., Cleveland, Ohio Each tablet contains 76% Protein from Soya in readily digestible form. 16% Carbohydrate (Glucose) Glycerin, Tricalcium Phosphate, Magnesium Stearate and Bentonite and Sweetened with 6.5 Mg. Cyclamate Sodium and 0.65 mg. Saccharin Sodium * * * 3 calories per tablet."

LIBELED: 12-4-59, N. Dist. Ga.

CHARGE: 502(a)—when shipped, the labeling contained false and misleading representations that the article, by supplying protein, was an excellent source of energy and was an essential factor in tissue repair and maintenance of nitrogen balance, that the article was an effective weight reducing aid in "slenderizing studios," and that the article was an effective appetite appeaser; and 502(f)(1)—while held for sale, the labeling failed to bear adequate directions for use for the purposes for which it was intended, namely, in building up healthy muscles, burning up fat, and reducing weight without need of a special reducing diet, which representations were made orally by a sales representative of the dealer firm.

DISPOSITION: On 1-11-60, Destiny Enterprises, Inc., filed a claim to the article and an answer denying that the article was misbranded. The Government served written interrogatories on the claimant. The claimant failed to file answers to the written interrogatories and the court, upon the motion of the Government, rendered a judgment of condemnation by default on 2-23-61, together with an order directing the destruction of the article.

6555. Trapper's Herbal Preparations. (F.D.C. No. 45335. S. Nos. 44-296/7 R, 44-299/300 R.)

QUANTITY: 30 15-gram pkgs. and 53 4-gram pkgs. of *Formula #1*; 22 1-oz. vials of *Formula #3* and 27 1-oz. vials of *Formula #4*, at Spokane, Wash.

SHIPPED: Between the approximate dates of 6-1-60 and 6-15-60, from Boise, Idaho, by Baker's International Distributors.

LABEL IN PART: (Pkg.) "Trapper's Herbal Preparation Formula No. 1 * * * Manufactured & packed by Cecil J. Cardwell Trapper's Laboratory-921