

1233. Misbranding of Von Tablets. U. S. v. 240,000 Von Tablets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 9157. Sample No. 10623-F.)

On January 15, 1943, the United States attorney for the Northern District of California filed a libel against 240,000 tablets, each embossed with the letters "V O N," at San Francisco, Calif., alleging that the article had been shipped on or about December 9, 1942, from Minneapolis, Minn., and that it was in the possession of the San Francisco Von Co.; and charging that it was misbranded. On or about February 5, 1943, an amended libel was filed in clarification of the charges of misbranding.

The article was shipped in 20 drums, more or less, each of which was labeled in part: "12,000 Tablets * * * Manufactured for Geo. Von Neida, St. Paul, Minn.," After shipment, a portion of the article was repacked, on the premises of the San Francisco Von Co., into 100-tablet and 27-tablet size bottles bearing labels reading, in part: "Von's Pink Tablets."

It was also alleged in the libel that a number of booklets entitled, "Von's Pink Tablets Famous for Relief in Obstinate Cases of Gastritis and Ulcers Caused by Gastric Hyper-Acidity San Francisco Von Co. * * * San Francisco, California," were shipped on or about December 19, 1941, by the Riverside Press, Inc., from St. Paul, Minn.; and that the booklets were attached to the article and were distributed to purchasers of the article.

Examination of a sample indicated that each tablet of the article contained essentially 4.6 grains of bismuth subnitrate, 6.5 grains of magnesium oxide, and 5.4 grains of sodium bicarbonate.

The article was alleged to be misbranded in that the statements in the accompanying booklets which represented and suggested that the article, when used as directed, constituted an adequate treatment for gastritis and ulcers caused by gastric hyperacidity were false and misleading since the article did not constitute an adequate treatment for gastritis and ulcers from any cause.

On March 4, 1943, E. W. Downs, San Francisco, Calif., claimant, having filed exceptions to the libel on the ground that it did not state sufficient facts and that it was vague, uncertain, and ambiguous, an order was entered which overruled the exceptions. The claimant then consented to the entry of a decree of condemnation, and on August 23, 1943, judgment was entered condemning the product and ordering its release under bond for relabeling under the supervision of the Food and Drug Administration.

1234. Misbranding of Templeton's Raz-Mah Capsules. U. S. v. 68 Packages of Templeton's Raz-Mah Capsules. Default decree of condemnation and destruction. (F. D. C. No. 11526. Sample No. 49765-F.)

On December 29, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 68 packages of the above-named product at Erie, Pa., alleging that the article had been shipped on or about November 10, 1943, from Buffalo, N. Y., by Templeton's, Inc.; and charging that it was misbranded.

Examination of a sample of the article disclosed that it consisted essentially of aspirin, 4.12 grains per capsule, and caffeine, 0.69 grain per capsule, together with capsicum, charcoal, and extracts of plant drugs.

The article was alleged to be misbranded in that the statements in its labeling which represented and suggested that it was effective in the treatment or relief of symptoms of hay fever, bronchial irritations, and coughs due to colds or bronchial irritations, and that it was safe and effective in the relief of the symptoms of asthma, were false and misleading since the article was not so effective and was not safe and effective for use by many asthmatics. It was alleged to be further misbranded in that the statement of the active ingredients in the article was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since it had been printed in small-size black type on a dark red background, and was practically illegible.

On January 26, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1235. Misbranding of Holford's Famous Inhalers. U. S. v. 663 Inhalers and 997 Circulars. Default decree of condemnation and destruction. (F. D. C. No. 11613. Sample No. 48272-F.)

On January 18, 1944, the United States attorney for the Northern District of Ohio filed a libel against 663 inhalers and 997 circulars at Cleveland, Ohio, alleging that the inhalers and the circulars had been shipped on or about October 7

and October 5, 1943, respectively, by Franklin A. Fink, trading as the Holford Co., Minneapolis, Minn.; and charging that the inhalers were misbranded.

Examination of the contents of an inhaler showed that it consisted of approximately 0.09 ounce of volatile oils such as mustard oil, eucalyptol, and camphor absorbed in a mixture of eucalyptus leaves, pine bark, lavender flowers, mustard seed, and other plant material.

The article was alleged to be misbranded (1) because of false and misleading statements appearing in the accompanying circulars entitled "Famous Inhaler," which represented and suggested that the inhaler was effective in the treatment of colds, catarrhal conditions, sinus irritations, sore throat, headaches, and the like; (2) in that the statements in the aforesaid circulars, "This famous Inhaler is produced by a compounding of pure chemicals—natural herbs and oils gathered from various parts of the globe. When thus combined, these herbs and oils produce a chemical action, when exposed to oxygen, that results in a soothing but potent and effective vapor. * * * For Years a Precious Secret Now Available to All For many years the secret of this marvelous formula was unknown only to one man. He assembled the ingredients and carefully compounded them himself, in the privacy of his home," were false and misleading since the herbs and oils contained in the inhaler did not produce a chemical action when exposed to oxygen, and the medicinal ingredients of the inhaler were not a secret, but were drugs which have been known and used generally for years; and (3) in that the common or usual name of each active ingredient was not prominently placed on the label of the inhaler with such conspicuousness and in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use, since the statement, "Contains: Eucalyptus Leaves, Pine Bark, Lavender Flowers, Mustard Seed, Oils of Pine, Camphor, Eucalyptus, Mustard," did not differentiate between the active ingredients of the preparation and those substances which served merely as an absorbent of the oils and did not contribute to the effect of the inhaler.

On June 23, 1944, no claimant having appeared, judgment of condemnation was entered and the inhalers and circulars were ordered destroyed.

1236. Misbranding of Fairyfoot for Bunions. U. S. v. 25 Packages and 16 Packages of Fairyfoot for Bunions. Default decree of destruction. (F. D. C. No. 11652. Sample No. 40770-F.)

On January 19, 1944, the United States attorney for the District of Minnesota filed a libel against 25 \$1.00-size packages and 16 49c-size packages of the above-named product at Minneapolis, Minn., alleging that the article had been shipped on or about August 6 and November 17, 1943, by the Fairyfoot Products Co., from Chicago, Ill.; and charging that it was misbranded.

Examination of a sample of the article disclosed that it consisted of adhesive plaster pads containing benzocaine and a small amount of an iron compound.

The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that it was effective in stopping the pain and reducing the size of a bunion.

On March 2, 1944, no claimant having appeared, judgment was entered ordering that the product be destroyed.

1237. Misbranding of Jayne's Vermifuge. U. S. v. 71 Dozen Bottles of Jayne's Vermifuge. Default decree of condemnation and destruction. (F. D. C. No. 11701. Sample No. 47879-F.)

On January 24, 1944, the United States attorney for the Eastern District of Missouri filed a libel against 71 dozen bottles of the above-named product at St. Louis, Mo., alleging that the article had been shipped on or about December 18, 1943, by Dr. D. Jayne and Son, Inc., from Philadelphia, Pa.; and charging that it was misbranded.

Examination of a sample of the article disclosed that it consisted essentially of extracts of plant drugs, a small proportion of potassium carbonate, sugar, alcohol, and water, flavored with peppermint oil, and that it contained no rhubarb root. Tests made with the article upon both laboratory animals and humans showed that it was ineffective in removing large roundworms.

The article was alleged to be misbranded because of false and misleading statements and designs in its labeling which represented and suggested that the article was effective to remove large roundworms from children and adults.

On February 28, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.