

On August 14, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1350. Misbranding of Hunt Club Dog Food. U. S. v. 165 Cases of Dog Food. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11160. Sample No. 50110-F.)

On November 24, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 165 cases, each containing 10 5-pound bags, of dog food at Pittsburgh, Pa., alleging that the article had been shipped on or about October 23, 1943, from Buffalo, N. Y., by the Maritime Milling Co.; and charging that it was misbranded. The article was labeled in part: "Hunt Club Dog Food."

Examination of a sample disclosed that the article consisted essentially of cereals and other material, including ground wheat, ground corn, ground oats, ground soya beans, and ground alfalfa, and small amounts of ground bone, charcoal, and meat tissues.

The article was alleged to be misbranded in that the statements on the label, " * * * Contains everything needed for Vibrant Health, Robust Vigor and a Luxurious Coat * * * Owners Report These Results from Hunt Club feeding Vibrant Health Strong Bone Formation Sound Teeth Pleasant Breath A Thick, Glossy Coat Absence of Eczema and Other Skin Disorders. Freedom from * * * other Nutritional Deficiency Diseases. Added resistance to Colds and Distemper," were false and misleading since use of the article would not accomplish the results and benefits suggested or implied.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On March 10, 1944, the Maritime Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 1301 TO 1350

PRODUCTS

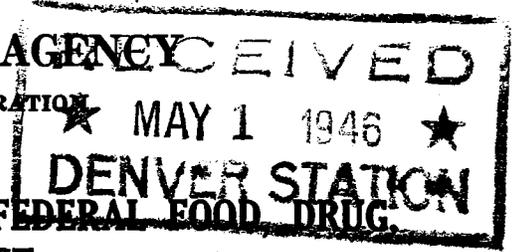
	N. J. No.		N. J. No.
Abortifacients	1309	Kloronol	1334
Alcoholism, remedy for	1303	Ko-Ex-7	1343
Apco Apcolene, and Apco Brooder and Litter Spray	1347	Kotalco	1337
Arthritis, remedies for	1332	Lambert's Powders, and Lambert's Tablets	1304
BoLax Laxative Tablets	1332	Laxatives without required warning statements	1307, 1308
Bunions, remedy for	1326	Magnetic Ray appliances	1339
Calcium gluconate	1315	Minerals Plus	1332
Cetabs	1332	Mor-Milk for Pigs and Hogs, Mor-Milk for Calves, and Mor-Milk for Poultry	1341
Cold remedies	1304, 1333, 1334	Moras', Dr. E. R., Eyecream	1335
Cosmetics (subject to the drug provisions of the Act)	1335, 1337	Muco Spray	1345
Cough drops	1311	Na-Iodide ampuls	1312
Criticoce Mash	1346	Najodyl	1312
Dental preparations	1306	Nox-A-Boil Tablets	1336
Dependon Intrauterine Paste	1309	Obeto	1338
Devices	1323-1325, 1339	Peach tree leaves	1310
Dextrose solution	1316	Phenarsine Hydrochloride with Sterile Distilled Water	1319
Diabetes, remedy for	1326, 1327	Phenobarbital sodium	1301, 1312
Dog food	1350	Pine bark, white	1310
Doradil	1328	Pom-U-Soy	1340
Elderberries	1310	Procaine hydrochloride ampuls	1301
Erosionex	1349	Prophylactics	1323-1325
Eye cream	1335	Rudy's Pile Suppository	1305
Eye-Gyrol	1302	Rx 56 Special Prescription Compound for Alcoholism	1303
Fentone Compound	1307	Sarsaparilla root U.S.P. with sassafras bark	1332
Fenugreek tea	1332	Sedatives	1313, 1314
Fero-B-Plex	1332	Sep-Tone	1348
Formula No. 4, and Formula No. 13	1329	Sodium chloride, isotonic solution of	1317
G. T. A. Cattle Mineral	1342	Sodium iodide ampuls	1318
Garfield's Seidlitz Powders	1308	Sodium phenobarbital. <i>See</i> Phenobarbital sodium.	
Glenn's Sulphur Soap	1333	Sodium salicylate iodide with colchicine	1312
Hair preparation	1337	Stero-Uteroids	1302
Hale's Honey of Horehound and Tar	1333	Sugretus	1326
Harris' 121 Remedy	1331	Sumlakia	1313
Heberlings Mineral Mixture with Yeast	1344	Sunol	1326
Hubbels, Dr., Formula for Dental Hygiene	1306		
Hunt Club Dog Food	1350		
Hypno-Sedative	1314		
Intrauterine paste	1309		

¹Prosecution contested. Contains instructions to the jury.

MW

FEDERAL SECURITY AGENCY RECEIVED

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1351-1400

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, Acting Administrator, Federal Security Agency.

WASHINGTON, D. C., December 21, 1945.

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DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

1351. Misbranding of Doryl. U. S. v. Merck & Co., Inc. Plea of nolo contendere. Fine, \$15,000. (F. D. C. No. 11414. Sample Nos. 8475-F, 29923-F, 29926-F, 30384-F, 35242-F, 48851-F, 49311-F, 50487-F, 51266-F, 51571-F, 51618-F, 53252-F, 54015-F, 59510-F.)

The defendant prepared and sold a product under the name "Doryl" which consisted of ampuls containing a solution of 0.25 milligram of carbamylcholine chloride, dissolved in 1 cc. of water, intended for injection with a hypodermic needle. The defendant also prepared and sold under the same name the product involved in this case, which consisted of ampuls containing 0.15 gram of the same drug in powder form and which was 600 times the amount of the drug contained in the solution. The powder was intended for ophthalmologic use as eye drops. The ampuls of the solution and the powder had a generally similar appearance, the word "Doryl" being the most conspicuous word on both labels. A solution containing the powder, if injected, would be lethal.

On December 19, 1944, the grand jurors for the District of New Jersey returned an indictment against Merck & Co., Inc., Rahway, N. J., alleging shipment of a number of ampuls of Doryl between the approximate dates of December 18, 1941, and May 11, 1943, from the State of New Jersey into the States of Wisconsin, Missouri, California, Florida, Kentucky, Ohio, Pennsylvania, Massachusetts,

*For failure to bear an accurate statement of the quantity of the contents, see Nos. 1354, 1361, 1376, 1385, 1388, 1393; deceptive packaging, Nos. 1351, 1352, 1392; omission of, or unsatisfactory, ingredients statements, Nos. 1354, 1379, 1381, 1391; inconspicuousness of required label information, No. 1358; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 1361; substitution of a drug, and its sale under the name of another drug, No. 1365; giving of a false guaranty, No. 1365; cosmetics, subject to the drug provisions of the Act, Nos. 1359, 1360, 1391, 1392.