1409. Misbranding of Konjola. U. S. v. 33¾ Dozen Bottles of Konjola. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 12045. Sample No. 39545–F.)

On March 22, 1944, the United States attorney for the Southern District of California filed a libel against 33¾ dozen bottles of Konjola at Los Angeles, Calif., alleging that the article had been shipped on or about January 4 and 17, 1944, by Konjola, Inc., from Buffalo, N. Y.; and charging that it was misbranded.

Examination showed that the article consisted essentially of water, with extracts of plant materials, including a laxative plant drug, glycerin, pepsin (approximately 0.16 gram per 100 cc.), compounds of iron (equivalent to 0.016 gram iron per 100 cc.), calcium, manganese, and a salicylate.

The article was alleged to be misbranded (1) in that certain statements in the labeling were false and misleading since they represented and implied that the article would be effective for digestive conditions, run-down conditions, simple anemia, rheumatism, and neuritis; that it contained sufficient iron or pepsin to be effective as a tonic or digestive aid; and that the article was more than a laxative, whereas the article would not be effective for such purposes and was merely a laxative; (2) in that its labeling failed to bear adequate directions for use, since the directions appearing on the label provided for the continued administration of a laxative; and (3) in that its labeling did not warn against use when *any* symptoms of appendicitis were present but limited abdominal pains to "severe continued abdominal pains."

On September 18, 1944, judgment was entered *nunc pro tunc* as of April 19, 1944, condemning the product and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.

1410. Misbranding of Special Pills and Dean Pills. U. S. v. 30,000 Pills. Default decree of condemnation and destruction. (F. D. C. No. 12887. Sample No. 59087–F.)

On July 6, 1944, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30,000 pills at Lancaster, Pa., alleging that the article had been shipped on or about December 10, 1940, by Strong, Cobb & Co., Inc., from Cleveland, Ohio. The greater portion of the article was contained in the original shipping drum, labeled, in part, "Special Pills—SC Pink," and the remainder of the article had been repacked in packages labeled, in part, "The Dean Formerly Madam Dean Pills."

Examination of samples showed that the article contained a laxative plant drug, such as aloes, ferrous sulfate, quinine sulfate, and other plant drugs.

The article was alleged to be misbranded in that it was essentially a laxative, and its labeling failed to warn that it should not be used in cases of nausea, vomiting, abdominal pain, and other symptoms of appendicitis; and that frequent or continued use might result in dependence upon a laxative to move the bowels.

On August 2, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1411. Misbranding of Special Pills and Dean Pills. U. S. v. 26,000 Pills. Default decree of condemnation and destruction. (F. D. C. No. 12887. Sample No. 51086–F.)

On July 6, 1944, the United States attorney for the Eastern District of Pennsylvania filed a libel against 26,000 pills at Lancaster, Pa., alleging that the article had been shipped on or about May 3, 1944, by Frederick Stearns & Co., from Detroit, Mich.

The greater portion of the article was contained in the original shipping drum, labeled, in part, "Special Pills—Oval G. C. Black"; and the remainder of the article had been repacked in packages labeled, in part, "The Dean Formerly Madam Dean Pills * * * The United Medical Company Lancaster, Pa." Examination of samples showed that the article contained a laxative plant drug, such as aloes, ferrous sulfate, quinine sulfate, and other plant drugs.

The article was alleged to be misbranded (1) in that it was fabricated from two or more ingredients, and its labeling failed to bear the common or usual name of each active ingredient; (2) in that its labeling failed to bear adequate directions for use; and (3) in that the article was essentially a laxative, and its labeling failed to warn that it should not be used in cases of nausea, vomiting, abdominal pain, and other symptoms of appendicitis; and that fre-