FEDERAL SECURITY AGENCY

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]

1651–1700

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., *August 14, 1946.*

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DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

1651. Misbranding of Diettes. U. S. v. 36 Boxes of Diettes. Default decree of condemnation and destruction. (F. D. C. No. 16381. Sample No. 22479–H.)

LIBEL FILED: June 26, 1945, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 13, 1945, by the Health Sales Co., from St. Louis, Mo.

PRODUCT: 36 boxes, each containing 60 lozenges, of *Diettes*, at Lincoln, Ill. Analysis showed that the product consisted essentially of thyroid, ¼ grain per tablet, phenolphthalein, ¼ grain per tablet, chocolate, and sugar.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in an accompanying circular entitled, "Diettes and the Treatment of Obese Conditions," which represented and suggested that the article would be a safe and effective treatment for obesity, were false and misleading since it would not be a safe or effective treatment for obesity.

Further misbranding, Section 502 (e), the label of the article failed to bear the common or usual name of each active ingredient since it did not reveal the presence of phenolphthalein; and, Section 502 (j), the article would be dangerous to health when used in the dosage and with the frequency prescribed in the labeling, namely, "One lozenge dissolved on the tongue or chewed like

*For omission of, or unsatisfactory, ingredients statements, see Nos. 1651, 1653, 1656, 1674, 1686, 1696, 1697; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 1656; inconspicuousness of required label information, No. 1666; failure to comply with the packaging requirements of an official compendium, Nos. 1666–1668; cosmetics, subject to the drug provisions of the Act, Nos. 1654, 1685, 1686.

candy one hour before each meal and at bedtime. This dosage may be increased by taking an extra one at luncheon and dinner."

DISPOSITION: July 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1652. Misbranding of vitamin D capsules. U. S. v. 7 Bottles of Vitamin D capsules and a number of folders and leaflets. Default decree of condemnation and destruction. (F. D. C. No. 16068. Sample No. 4125-H.)

LIBEL FILED: April 27, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: By the Battle Creek Dietetic Supply Co., from Battle Creek, Mich. The product was shipped on or about February 12 and 22, 1945, and the folders and leaflets were shipped on various unknown dates.

PRODUCT: 5 50-capsule bottles and 2 100-capsule bottles of *vitamin D capsules*, 500 folders entitled "Superb Health," and 75 leaflets entitled "Hidden Hunger" at Philadelphia, Pa. Examination showed that the capsules contained vitamin D in oil.

LABEL, IN PART: "Health House Brand Vitamin D Each capsule contains not less than 50,000 U. S. P. Units of Vitamin D."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the folders and leaflets were false and misleading since they represented and suggested that the article would be safe and effective in the treatment of arthritis, whereas the article would not be safe and effective in the treatment of arthritis; and, Section 502 (j), the article would be dangerous to health when taken in the dosage and with the frequency and duration prescribed, recommended, and suggested in its labeling, "one capsule four times daily the first month increasing one capsule daily per week up to ten capsules daily."

DISPOSITION: May 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

1653. Misbranding of DPS Formula 75 Vitamin Capsules. U. S. v. 18 Bottles of DPS Formula 75 Vitamin Capsules. Default decree of condemnation and destruction. (F. D. C. No. 15481. Sample No. 26542-H.)

LIBEL FILED: On or about March 12, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about January 22 and February 12, 1945, by the Dartell Laboratories, from Los Angeles, Calif.

PRODUCT: 18 bottles of *DPS Formula 75 Vitamin Capsules* at Denver, Colo.

LABEL, IN PART: (Bottle) "100 * * * Perles Formula 75 Each perle contains irradiated ergosterol in wheat germ oil, enclosed in a gelatin perle providing: 50,000 U. S. P. Units Vitamin D."

NATURE OF CHARGE: Misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, "four perles daily * * * Four perles will provide 200,000 U. S. P. Units vitamin D."

DISPOSITION: May 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

1654. Misbranding of vitamin and drug products. U. S. v. 18 Packages of Vitamin C Tablets, 8 Packages of Natural Vitamin B_2 (G) Tablets, 13 Packages of Wheat Germ Oil Capsules, 15 Packages of Natural Fruit Laxative, 5 Packages of Mode Paree Scalp Ointment, 22 Packages of Mode Paree Acne Cream, 21 Packages of American's Hair Growing Aid, 10 Packages of Miracle Cream, 26 Packages of Miracle Aid, and a number of catalogs. Default decree of condemnation and destruction. (F. D. C. No. 16073. Sample Nos. 20344-H to 20347-H, incl., 20350-H to 20355-H, incl.)

LIBEL FILED: On or about May 9, 1945, Western District of Missouri.

ALLEGED SHIPMENT: By the American Beauty Products Co., from Chicago, Ill. The products were shipped between the approximate dates of October 30, 1943, and April 18, 1945, and the catalogs were shipped on or about February 10, 1945.