

2582. Action for criminal contempt for violation of terms of injunction. U. S. v. Edgar H. Gremore. Plea of not guilty. Tried to the court; verdict of guilty. Sentence of 6 months in prison suspended and defendant placed on probation for 3 years. (Inj. No. 82.)

INFORMATION FILED: On or about December 21, 1948, Eastern District of Wisconsin, against Edgar H. Gremore, Florence, Wis.

NATURE OF CHARGE: That the defendant in willful disobedience of the decree of injunction against the introduction into interstate commerce of products misbranded under Section 502 (a) [*See* notice of judgment on drugs and devices No. 2306], shipped in interstate commerce to Stephenson, Mich., Oak Park, Ill., and Chicago, Ill., on or about November 29, 1945, and October 19 and 26, 1948, quantities of a product designated *Nature's Vegetation*, which was misbranded under Section 502 (a); and that by reason of such shipments, the defendant was in criminal contempt of the permanent injunction issued on June 11, 1945.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court on January 24, 1949. At the conclusion of the trial, the court found the defendant guilty of contempt and sentenced him to serve 6 months in prison. The sentence was suspended and the defendant was placed upon probation for 3 years on the condition that he abandon the sale and marketing of the product by any means whatsoever, whether interstate or intrastate.

2583. Misbranding of Frencos Papain, Frencos Pap-Tabs, New Minute Py-O-Ten, and Frencos Papaya Tooth Powder. U. S. v. Chester D. French (Frencos Laboratories). Plea of nolo contendere. Fine of \$105 and sentence of 6 months in jail; jail sentence suspended for 6 months and defendant placed on probation. (F. D. C. No. 17786. Sample Nos. 74297-F to 74299-F, incl., 29949-H to 29951-H, incl.)

INFORMATION FILED: On or about April 29, 1946, District of Arizona, against Chester D. French, trading as Frencos Laboratories, at Nogales, Ariz.

ALLEGED SHIPMENT: On or about October 17, 1944, and March 23, May 19, and August 13, 1945, from the State of Arizona into the State of California.

PRODUCT: Analyses showed that *Frencos Papain and New Minute Py-O-Ten* consisted essentially of plant material containing a milk-clotting enzyme, probably papain; that a portion of *Frencos Pap-Tabs* consisted essentially of compounds of calcium, magnesium, bismuth, and carbonate, together with some acid-insoluble matter and a milk-clotting enzyme, probably papain; that the remainder of *Frencos Pap-Tabs* consisted essentially of bismuth, calcium, and magnesium carbonates or oxides, papain, starch, and a trace of cerium; and that *Frencos Papaya Tooth Powder* consisted essentially of sodium, calcium, and magnesium carbonates and chlorides, papain, starch, and soap.

LABEL, IN PART: "Frencos Papain Powdered Absolute," "Frencos Pap-Tabs," "New Minute Py-O-Ten," and "Frencos Papaya Tooth Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in circulars entitled "Frencos Papain Powdered Absolute," "Frencos Laboratories of Nogales," and "Frencos Pap-Tabs" were false and misleading since the articles would not be effective for the purposes and would not fulfill the promises of benefits suggested and implied by the statements. The false and misleading statements represented:

That *Frencos Papain* when used as a vaginal douche solution material, it