

2670. Misbranding of condensed buttermilk. U. S. v. 15 Barrels * * *
(F. D. C. No. 25988. Sample No. 25255-K.)

LABEL FILED: November 1, 1948, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 26, 1948, by Frank Pilley & Sons, Inc., from Springfield, Mo. Accompanying the product were a number of leaflets and circulars.

PRODUCT: 15 500-pound barrels of *condensed buttermilk* at Waverly, Iowa. Analysis disclosed that the article contained less than 5 percent of lactic acid.

LABEL, IN PART: "Pilley's Farmland Feed Condensed Buttermilk 96½% Condensed Whey 2½% * * * Minimum Analysis * * * Lactic Acid 5.00%."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling were false and misleading since the product was not effective in the treatment of the diseases and conditions mentioned and was not effective for the purposes stated and implied: (Leaflet entitled "Instructions for Feeding") "for helping to maintain good digestion, and for providing the elements in the diet which promote big litters, easy farrowing, and sturdier, healthier, heavier pigs at farrowing time * * * Treatment for Necrotic Enteritis * * * Aid in Prevention of Disease * * * to keep the digestive organs functioning properly and thus able to throw off the impurities taken into the bird's system daily. Because of this ability Farmland Condensed Buttermilk Feed is recognized as an aid in the prevention of chicken and poultry diseases * * * Preventing Disease in Baby Chicks and Poults" and (circular entitled "For A Perfectly Balanced Poultry Ration") "For Proper Healthy Growth * * * Maintain Healthier Flocks * * * decreased mortality, sustained good health * * * but also safeguards against * * * leg weakness, coccidiosis and black head * * * for maintaining good digestion, which all poultry raisers agree is the basis for continuing good health in all poultry, both young and mature birds."

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

DISPOSITION: December 2, 1948. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 2651 TO 2670

PRODUCTS

	N. J. No.		N. J. No.
Agermo, Sanagan, disinfectant	2653	Ephedrine and amytal capsules	2651
Aminophylline	¹ 2656	Epinephrine hydrochloride injection	¹ 2656
Anbesol	2664	Estrogenic hormones in oil	2660
Buttermilk, condensed (animal feed)	2670	Ferguson's Zerret Applicator	2667
Corn remedy	2655	Gonorrhoea treatments	2651
Cornocide (corn remedy)	2655	Hemorrhoid remedy	2661
Devices	2659, 2667	Injection preparations. <i>See Parenteral drugs.</i>	
Disinfectant, Sanagan Agermo	2653	Kamba or Kamba Tonic	² 2657
Eatons, Dr. E. R., Formula	2658		

¹ (2656) Injunction contested. Contains opinion of the court.

² (2657) Action for violation of injunction. Defendant found guilty of contempt.

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OK ✓ ✓

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]

2671-2690

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 the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 19, 1949.*

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*For omission of, or unsatisfactory, ingredients statements, see Nos. 2672, 2673; failure to bear a label containing an accurate statement of the quantity of the contents, No. 2673; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 2673.

----- W.V. -----
 ----- P.N. -----
 ----- E.R.S. -----
 ----- F.D.C. -----
 ----- D.M.T. -----
 ----- U.H.C. -----
 ----- F.T.C. -----

.....V.W.....
.....#.1.....
.....A.B.T.....
.....T.H.....
.....C.....

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

2671. Misbranding of Uvursin. U. S. v. 53 Boxes * * *. (F. D. C. No. 26357. Sample No. 5391-K.)

LIBEL FILED: December 29, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 16 and October 25, 1948, by the John J. Fulton Co., from San Francisco, Calif.

PRODUCT: 53 boxes, each containing 54 capsules, of *Uvursin* at Providence, R. I.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the directions which appeared in the labeling failed to reveal the disease or condition for which the article was to be taken.

DISPOSITION: March 2, 1949. Default decree of condemnation and destruction.

2672. Misbranding of Home Brand Laxative and Liver Tablets. U. S. v. 32 Cartons, etc. (F. D. C. No. 26459. Sample No. 44333-K.)

LIBEL FILED: February 7, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 28, 1946, from St. Louis, Mo.

PRODUCT: 32 cartons, each containing 36 tablets, and 564 cartons, each containing 12 tablets, of *Home Brand Laxative and Liver Tablets* at Columbus, Ohio, in the possession of Theodore A. Wegener. The article was shipped in bulk and repackaged by the consignee.

Analysis showed that the article consisted essentially of extracts of laxative plant drugs, such as cascara sagrada, aloe, and podophyllum.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading since the article was not effective in the treatment of the conditions and diseases stated and implied: (carton) "Liver Tablets * * * Aids in cleansing the stomach purifying the liver and regulating the bowels * * * For chronic constipation" and (leaflet enclosed in carton) "Liver Tablets * * * The Efficient Treatment for Relieving Stomach, Liver and Bowel Complaints. H. B. Laxative and Liver Pills is an excellent remedy for treatment of Bad Breath, Sour Stomach, Biliary Headache, Diseases of the Liver and Chronic Constipation * * * harmless * * * to insure freedom from Headache, heavy Stomach and that dark brown taste and a constipated condition."

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (2), the labeling of the article failed to bear a warning against use of the article in case of nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and it failed also to warn that frequent or continued use of the article may lead to dependence upon laxatives. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 1, 1949. Default decree of destruction.