

powder consisting mainly of iron sulfate, organic matter, fenugreek, a small amount of santonin, and a trace of alkaloids; that the *Speedway Hoof Tonic* consisted of a yellow mineral oil, with an odor resembling that of crude oil; and that the *Black Perfection Salve* consisted of a black salve, with sulfur, charcoal, tannic acid, and a small amount of lead compounds.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the articles, which included an accompanying circular entitled "Speedway Veterinary Remedies," were false and misleading since the articles would not be efficacious for the purposes represented and suggested. These statements represented and suggested:

That the *Speedway Cough and Distemper Remedy* when administered to horses, would be efficacious in the treatment of cough and distemper; that it would relieve fever and restore normal temperature; that it would be efficacious in the treatment of shipping fever, colds, lung fever, "episodic acclimation," common pneumonia, and complicated pneumonia; and that it would be efficacious as a remedy for kidney troubles, and as a diuretic, stomachic, and stimulant;

That the *Speedway Absorbent Liniment* when administered to horses, would be efficacious for all lameness, bad back, bad legs, bowed tendons, and big knees; that it would be efficacious for restoring natural respiration between heats; that it would be efficacious for bad ankles, weak joints, and bad loins; and that it would be efficacious for strengthening weak muscles and for toning up muscles;

That the *Speedway Condition Powder* when administered to horses and colts, would be efficacious to stimulate the appetite of poor feeders, to increase the utilization of feed, to restore vital essentials, to tone the circulation, to benefit the entire nervous system, to increase the flow of gastric juices, and to tone the entire system; and that it would be efficacious as a tonic, tissue builder, blood purifier, worm expeller, general body builder, and conditioner;

That the *Speedway Hoof Tonic* would be efficacious in the treatment of contracted feet, thrush, and bad feet in horses; that it would grow new hoofs on horses; and that it would be efficacious to put horses' feet in a healthy condition;

That the *Black Perfection Salve* would be efficacious in the treatment of "hobble chafes," cracked heels, wounds and sores, saddle galls, severe chafing, and accompanying soreness in horses; and that it would be efficacious for growing a soft pliable, yet tough, skin on horses.

DISPOSITION: December 2, 1949. A plea of guilty having been entered, the court imposed a fine of \$250.

2970. Misbranding of Rex Wheat Germ Oil. U. S. v. VioBin Corp. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 25608. Sample Nos. 83115-H, 15069-K, 24748-K.)

INFORMATION FILED: April 11, 1949, Eastern District of Illinois, against the VioBin Corp., Monticello, Ill.

ALLEGED SHIPMENT: On or about February 26, 1947, and May 10, 1948, from the State of Illinois into the States of Ohio, Wisconsin, and Michigan.

LABEL, IN PART: "Rex Wheat Germ Oil A cold processed, biologically tested, stable wheat germ oil."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, which included accompanying circulars entitled "The

Record of *Rex* Wheat Germ Oil," "Record Wheat Germ Oil," "Rex Wheat Germ Oil," and "Bulletin No. 6 Breeding and Maintenance of Dogs," and a letter addressed to "Dear Friend," were false and misleading. The statements represented and suggested that the article would be effective as an aid in the cure, mitigation, treatment, and prevention of breeding difficulties in cattle, swine, horses, sheep, rabbits, dogs, fox, and mink; that the article would be effective in the treatment and prevention of sterility in livestock; that it would be effective as an aid in the prevention of abortion in livestock; that it would be effective as an aid in the treatment and prevention of Bang's disease in livestock; and that it would be effective in the cure, mitigation, treatment, and prevention of skin diseases in dogs. The article would not be effective for the purposes represented.

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

DISPOSITION: November 17, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000.

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¹ (2961) Injunction contested. Contains findings of fact, discussion, and conclusion of law.

² (2963) Seizure contested. Contains opinion of the court.

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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]

2971-2990

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., *May 24, 1950.*

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*For presence of a habit-forming narcotic without warning statement, see Nos. 2971, 2972; omission of, or unsatisfactory, ingredients statements, Nos. 2971-2973; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 2971-2973; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 2972, 2973; cosmetic, actionable under the drug provisions of the Act, No. 2986.

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

2971. Misbranding of sulfathiazole lozenges and Hexital tablets. U. S. v. Joe Gailey (McGreevy Drug Co., No. 1). Plea of guilty. Fine, \$50. (F. D. C. No. 26713. Sample Nos. 27032-K, 27042-K.)

INFORMATION FILED: June 29, 1949, Western District of Missouri, against Joe Gailey, a partner in the partnership of McGreevy Drug Co., No. 1, Springfield, Mo.

INTERSTATE SHIPMENT: On or about January 30, 1948, from Indianapolis, Ind., of a quantity of *sulfathiazole lozenges*, and between the approximate dates of January 16, 1947, and September 20, 1948, from Raritan, N. J., of a quantity of *Hexital tablets*.

LABEL, WHEN SHIPPED: (Sulfathiazole lozenges) "Lozenges Sulfathiazole * * * 5 grs."; (Hexital tablets) "Each Tablet Contains Phenobarbital 20 Mg. * * * Hexestrol—3 Mg. Hexital." (Both products) "Caution: To Be Dispensed Only By Or On the Prescription of a Physician."

ALLEGED VIOLATION: On or about August 13 and September 20, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused a number of *sulfathiazole lozenges* and *Hexital tablets* to be removed from the bottles in which they had been shipped, to be repacked, and to be sold to an individual without a prescription, which acts of the defendant resulted in the lozenges and tablets being misbranded. The repackaged drugs were labeled "Sulfathiazole Lozenges McGreevy Drug Co. * * * Springfield, Mo." and "Hexital McGreevy No. 1, Springfield, Mo."

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the label borne on the containers of the repackaged drugs contained no statement of the quantity of the contents; Section 502 (f) (1), the containers of the repackaged drugs bore no labeling containing directions for use; and, Section 502 (e) (2), the repackaged *Hexital tablets* were not designated solely by a name recognized in an official compendium and were fabricated from two or more ingredients, and the label borne on the repackaged tablets failed to bear the common or usual name of each active ingredient, namely, "phenobarbital" and "hexestrol."

Further misbranding, Section 502 (d), the repackaged *Hexital tablets* were a drug for use by man and contained a chemical derivative of barbituric acid, namely, "phenobarbital," which derivative had been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and the label of the repackaged tablets failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the repackaged *sulfathiazole lozenges* bore no labeling containing warnings against use in those pathological conditions and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: November 18, 1949. *A plea of guilty having been entered, the court imposed a fine of \$50.

2972. Misbranding of seconal sodium capsules and amphetamine phosphate tablets. U. S. v. George R. Murchison (Murchison's Pharmacy). Plea