DISPOSITION: The Lipton Drug & Sales Co. filed an answer to the libel, to which answer the Government, on October 5, 1951, filed a motion for a summary judgment. On November 20, 1951, the court granted the Government's motion for a summary judgment based on the admissions in the claimant's answer that the drug was transported in interstate commerce without being labeled; and the court also ruled that the drug was subject to seizure as a misbranded drug. Judgment of condemnation and destruction was entered.

3868. Adulteration and misbranding of vitamin B_{12}. U. S. v. 105 Bottles * * *. (F. D. C. No. 33603. Sample No. 56326–L.)

LIBEL FILED: July 25, 1952, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 29, 1952, by Addison Laboratories, from Philadelphia, Pa.

PRODUCT: 105 1-ounce bottles of *vitamin B_{12}* at Mansfield, Ohio. Analysis showed that the product contained 67 percent of the declared amount of vitamin B_{12}.

LABEL, IN PART: "Vitamin B_{12} Drops 30 Micrograms per CC * * * In such doses as prescribed by a Physician * * * Mfg. For The Caldwell & Bloor Co. Mansfield, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, "Vitamin B_{12} * * * 30 Micrograms per CC."

Misbranding, Section 502 (a), the label statement "Vitamin B_{12} * * * 30 Micrograms per CC" was false and misleading as applied to the article, which contained less than that amount of vitamin B_{12}; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: September 12, 1952. Default decree of condemnation and destruction.

3869. Misbranding of Diaplex. U. S. v. 48 Pounds * * *. (F. D. C. No. 31964. Sample No. 29638–L.)

LIBEL FILED: November 6, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about July 10, 1951, by Diaplex Laboratories, from Carr, Colo.

PRODUCT: 48 pounds of *Diaplex* at Seattle, Wash. Samples taken from other shipments of *Diaplex* were found to consist of a species of saltbush, such as *Atriplex canescens*.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purpose for which it was intended. The article was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: May 7, 1952. Default decree of condemnation and destruction.

3870. Misbranding of Color-Therm devices. U. S. v. 8 Devices * * *. (F. D. C. No. 32471. Sample Nos. 16471–L, 16472–L.)

LIBEL FILED: January 29, 1952, Northern District of Oklahoma; amended libel filed on or about May 19, 1952.

ALLEGED SHIPMENT: One device, including one hand applicator, was shipped from Mission, Kans., to Wewoka, Okla., and delivered during 1949 to Claremore, Okla.; in addition, 7 unlabeled devices, including 7 hand applicators,