

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

3958. Misbranding of Ar-Pan-Ex tablets. U. S. v. 29 Bottles, etc. (F. D. C. No. 29067. Sample No. 77207-K.)

LIBEL FILED: April 24, 1950, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 6, 1950, by the Reed Products Co., from St. Louis, Mo.

PRODUCT: 29 100-tablet bottles of *Ar-Pan-Ex tablets* and 1 window streamer and 3 display cartons entitled "Ar-Pan-Ex" at Collinsville, Ill.

Examination disclosed that a large size of type was used on the label of the product for the names of disease conditions and that smaller type was used for the qualifying expression "For relief of muscular aches and pains commonly associated with."

LABEL, IN PART: (Bottle) "Ar-Pan-Ex Tablets Each Enteric Coated Tablet Contains: Active Ingredients: Sodium Salicylate, Sodium Para Aminobenzoate, Succinic Acid, Calcium Succinate, Vitamin C (Ascorbic Acid), Vitamin B-1 (Thiamin Hydrochloride), Vitamin B-2 (Riboflavin)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article contained prominently displayed statements arranged to represent and suggest that the article was an adequate and effective treatment for arthritis, neuralgia, rheumatism, lumbago, sciatica, neuritis, and bursitis, which statements were misleading since the article was not an adequate and effective treatment for those conditions.

DISPOSITION: February 26, 1953. The libel action having been removed to the Eastern District of Illinois, and the Reed Products Co., claimant, having filed an answer denying the allegations of the libel and later having withdrawn its answer and consented to the entry of a decree, judgement of condemnation was entered and the court ordered that the product be destroyed.

3959. Misbranding of Glan-F. U. S. v. 129 Bottles * * *. (F. D. C. No. 33907. Sample No. 2160-L.)

LIBEL FILED: October 3, 1952, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about March 25, 1952, from Kalamazoo, Mich.

PRODUCT: 129 bottles, each containing 90 tablets, of *Glan-F* at Sanford, N. C., in the possession of the Medical Service Co.

RESULTS OF INVESTIGATION: The article was shipped in bulk and was repackaged into bottles and relabeled by the consignee.

LABEL, IN PART: (Bottle) "Glan-F for the Treatment of the Prostate Gland Active Ingredients: Suprarenal Substance N. F. 118 mgs. ea. tab. Medical Service Company, Sanford, N. C."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in a circular entitled "Glan-F For Men" accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for enlargement of the prostate gland, whereas the article was not an adequate and effective treatment for this condition. The article was misbranded while held for sale after shipment in interstate commerce.

*See also Nos. 3953-3957.

DISPOSITION: February 3, 1953. Default decree of condemnation and destruction.

3960. Misbranding of Butranol. U. S. v. 19 Bottles * * *. (F. D. C. No. 33932. Sample No. 28247-L.)

LABEL FILED: October 21, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about July 28, 1952, by Berjac Products, from Brooklyn, N. Y.

PRODUCT: 1-ounce bottles of *Butranol* at Sacramento, Calif. There were in the possession of the consignee two letters which had been received from the shipper of the product and which consisted of an undated sales letter beginning with the words "Gentlemen: As a leading drug store distributor in your city" and a letter dated July 22, 1952, confirming the consignee's order for the product and containing the text and insertion dates of advertising to be run in a local newspaper at the expense of the shipper, which advertising contained statements relating to the product.

LABEL, IN PART: (Bottle) "Isotonic Butranol Ephedrine Alkaloid 1.3% Epinephrine HCl 0.01%."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned undated letter and in the letter dated July 22, 1952, were false and misleading since the statements represented and suggested that the article was an adequate and effective treatment for sinus affections, catarrh, and earache, whereas the article was not an adequate and effective treatment for those conditions.

DISPOSITION: March 16, 1953. Default decree of condemnation and destruction.

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