DISPOSITION: August 10, 1951. Strong Cobb & Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the products be released under bond for reprocessing to bring them up to the required potency, under the supervision of the Federal Security Administrator.

3589. Adulteration and misbranding of oil of peppermint. U. S. v. 3 Bottles * * *. (F. D. C. No. 31185. Sample Nos. 15265–L, 15353–L.)

LIBEL FILED: On or about June 21, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about May 8 and November 30, 1950, by Berje Chemical Products, Inc., from New York, N. Y.

PRODUCT: 3 bottles of *oil of peppermint* at Kansas City, Mo. Analysis of the product showed that it failed to comply with the requirements of the United States Pharmacopeia and that it also contained mineral oil.

LABEL, IN PART: (Bottle) "Oil Peppermint Redistilled U.S.P. 5 Lbs."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be "oil of peppermint," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and its strength differed from, and its quality and purity fell below, the official standard since the article failed to meet the tests for solubility in alcohol, specific gravity, and optical rotation; and it failed to comply with the assay for total menthol set forth in such compendium. Further adulteration, Section 501 (d) (2), an article containing mineral oil had been substituted for oil of peppermint.

Misbranding, Section 502 (a), the label designation "Oil Peppermint Redistilled U. S. P." was false and misleading as applied to an article which failed to meet the standard set forth in the United States Pharmacopeia for oil of peppermint.

DISPOSITION: August 31, 1951. Default decree of destruction.

3590. Adulteration and misbranding of clinical thermometers. U. S. v. 696 Thermometers * * *. (F. D. C. No. 31707. Sample No. 16776–L.)

LIBEL FILED: September 17, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about July 6, 1951, by the Emrose Thermometer Co., from Bronx, N. Y.

PRODUCT: 696 *clinical thermometers* at Ventura, Calif. Examination of 24 thermometers showed that a total of 8 were defective in one or more respects.

LABEL, IN PART: (Envelope) "Style Oral Emrose 'Medik-Aid' A Superior Clinical Thermometer."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the articles fell below that which they purported and were represented to possess.

Misbranding, Section 502 (a), the statements which appeared in the labeling of the articles, namely, "A Superior Clinical Thermometer," "This certifies that the thermometer * * * has been tested * * * at 98°, 102°, and 106°, F. or its equivalent in centigrade scale and is correct within plus or minus 2/10 F. or C. at any of these test points * * * This test is governed by a standard thermometer which has been tested by the Bureau of Standards, Washington, D. C.," and "Accurate," were false and misleading as applied to articles which failed to meet the stated standard of accuracy, contained trapped gas, failed to repeat readings, were hard shakers, or had markings less than

one-fourth inch from the end of the thermometer, which defects are not normal to clinical thermometers.

DISPOSITION: November 6, 1951. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3591. Misbranding of Sacrasol capsules. U. S. v. 43 Bottles, etc. (F. D. C. No. 29100. Sample No. 75706–K.)

LIBEL FILED: May 4, 1950, Southern District of Iowa.

ALLEGED SHIPMENT: On or about March 10, 1950, by Edwin K. Osmun, a member of the firm of Physicians' Ethical Products, from Chicago, Ill.

PRODUCT: 43 100-capsule bottles of *Sacrasol* at Marshalltown, Iowa, together with circulars entitled "Sacrasol In Diabetes Mellitus" and "What Is Sacrasol?" a card entitled "Announcement," and a letter dated March 8, 1950, on the letterhead of Physicians' Ethical Products, which was signed "E. K. Osmun."

LABEL, IN PART: "Sacrasol Active Ingredients Syzygium, Vesicaria, Rhus, Aromatics, Apis Virus, Lithium Benzoate, Phosphoric Acid (Dilute), Uranium Nitricum, 1/1000 Gr. per Cap. Thiamin Hydrochloride * * * Distributed by Physicians' Ethical Products 1746 W. 69th St. Chicago 36."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, in the above-mentioned circulars, card, and letter, were false and misleading. These statements represented and suggested that the article was an effective treatment for diabetes, itching skin, excessive thirst, and abnormal appetite associated with diabetes; for preventing toxic build-up in the liver or kidneys; for correcting dysfunctions in the carbohydrate metabolism; for disposing of excess sugar in the blood and urine; for diabetic ulcerations; and for weakness, emaciation, enuresis due to atony, hematuria, cystitis, all forms of urinary and kidney difficulties, nephralgia, dropsy, flatulence, diarrhea, periosteal inflammation, abscesses, gangrene, gout, and nettle rash. The article was not an effective treatment for such conditions.

DISPOSITION: On September 22, 1950, Edwin K. Osmun and Charles M. Haft, trading as Physicians' Ethical Products, having filed a motion for the removal of the case to the Northern District of Illinois and an oral argument having been heard in the matter, an order was entered overruling the motion and directing that the case be transferred to the Northern District of Indiana.

On October 15, 1951, the United States District Court for the Northern District of Indiana made an order finding that it had no jurisdiction and remanded the case to the court of original jurisdiction. Thereafter, on November 8, 1951, no one having appeared in the case following its transfer to the Northern District of Indiana or its return to the Southern District of Iowa, a decree was entered by the United States District Court for the Southern District of Iowa, providing for condemnation and destruction of the product.

---

*See also Nos. 3582, 3583, 3585, 3588–3590.