

LABEL, IN PART: (Drum) "To Wright Pharmacal Co. * * * Birmingham, Ala."; (jar) "Hex-O-Phene Ointment Contains: Hexachlorophene 2% in Zinc Oxide and Lanolin base."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, namely, 2% hexachlorophene.

Misbranding, Section 502 (e), the article was a drug 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) (1), its labeling failed to bear adequate directions for use. The article was misbranded in the above respects when introduced into and while in interstate commerce. Further misbranding, Section 502 (a), certain statements on the jar label and in the circular entitled "New Wonder Drug Discovered" were false and misleading. These statements represented and suggested that the article was an adequate and effective treatment for burns, sores, impetigo, eczema, facial blemishes, and acne; that it would insure one freedom from infections; that it would keep skin germfree; that it would clear up a host of skin infections which have refused to yield to any previous treatments; and that it would keep one germfree and surgically clean. The article was not an adequate and effective treatment for such conditions, and it would not fulfill the promises of benefit made for it. The article was misbranded in the latter respects while held for sale after shipment in interstate commerce.

DISPOSITION: January 7, 1952. Default decree of condemnation. The court ordered that the product be delivered to a hospital or charitable institution.

3651. Misbranding of Rattlesnake Bill's Liniment. U. S. v. 129 Bottles * * * (F. D. C. No. 31985. Sample No. 25709-L.)

LABEL FILED: November 1, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 23, 1951, by the Frank Medicine Co., from Philadelphia, Pa.

PRODUCT: 129 bottles of *Rattlesnake Bill's Liniment* at Cowtown, N. J.

LABEL, IN PART: (Bottle) "Rattlesnake Bill's Liniment * * * Contents 2 Ounces Ingredients: Methyl salicylate; snake fat; gum camphor; kerosene; oil thyme; oil sassafras, artificial; oil mustard, synthetic; oil eucalyptus."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the product failed to bear adequate directions for use.

DISPOSITION: December 20, 1951. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

3652. Adulteration and alleged misbranding of Estrocrine tablets. U. S. v. Woodard Laboratories, Inc., and Dean D. Murphy and John L. Sullivan. Pleas of not guilty. Tried to the court. Verdict of guilty on counts charging adulteration and not guilty on counts charging misbranding. Corporation fined \$2,500; each individual defendant fined \$250. (F. D. C. No. 30053. Sample Nos. 29794-K, 49677-K, 49693-K, 53254-K, 88164-K.)

INFORMATION FILED: May 8, 1951, Southern District of California, against Woodard Laboratories, Inc., Los Angeles, Calif., and Dean D. Murphy, president of the corporation, and John L. Sullivan, secretary and manager.

*See also Nos. 3650; veterinary preparation, 3659.

ALLEGED SHIPMENT: Between the approximate dates of July 12, 1949, and May 25, 1950, from the State of California into the States of Colorado and Texas.

LABEL, IN PART: "Prophylaxis W Therapeusis Woodard Laboratories, Inc. Estrocrine Tablets Each tablet contains: 0.022 mg. alpha estradiol."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since each tablet of the article was represented to contain 0.022 mg. of alpha-estradiol, whereas each tablet contained less than that amount of alpha-estradiol.

Misbranding, Section 502 (a), the label statement "Each tablet contains: 0.022 mg. alpha estradiol" was false and misleading as applied to an article which did not contain 0.022 mg. of alpha-estradiol per tablet, but contained less than that amount.

DISPOSITION: Pleas of not guilty having been entered, the case came on for trial before the court on November 7, 1951. On November 8, 1951, the court handed down a verdict of guilty as to all of the defendants on counts 1, 3, 5, 7, and 9, involving charges of adulteration, and a verdict of not guilty as to counts 2, 4, 6, 8, and 10, involving charges of misbranding. On December 3, 1951, the court imposed a fine of \$2,500 against the corporation and \$250 against each individual defendant.

3653. Alleged adulteration and misbranding of Fer Heparum B. U. S. v. Torigian Laboratories, Inc., and John Torigian. Plea of not guilty. Tried to the court and jury. Verdict of not guilty. (F. D. C. No. 28127. Sample Nos. 47817-K, 56567-K.)

INDICTMENT RETURNED: May 31, 1951, Eastern District of New York, against Torigian Laboratories, Inc., Queens Village, New York, N. Y., and John Torigian, president of the corporation.

ALLEGED SHIPMENT: On or about August 10 and October 28, 1948, from the State of New York into the District of Columbia and the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 501 (c), the indictment alleged that the purity and quality of the article fell below that which it purported and was represented to possess since it purported and was represented to be suitable and appropriate for intramuscular injection, which use requires a sterile product, whereas the article was not suitable and appropriate for intramuscular injection since it was not sterile but was contaminated with viable microorganisms.

Misbranding, Section 502 (a), the indictment alleged that the label statement "For Intramuscular Injection" which was displayed upon the boxes containing the article and the label statement "Intramuscular" which was displayed upon the ampuls were false and misleading.

DISPOSITION: Pleas of not guilty having been entered, the matter came on for trial before the court and jury on November 26, 1951. On November 29, 1951, the jury rendered a verdict of not guilty.