

effective in the relief of those who are suffering from our common ailments; that they would improve health and give one ability to eat almost everything without distress; that they would effect all around health improvement; that they would enable one to keep well; that they would supply good health to the sick, vigor to the weak, and slimness to the stout, add joy to life, and make natural beauty; that they would build resistance against colds; that they would benefit those afflicted with stomach, kidney, and liver complaints; that they would keep an 85-year-old person well and hearty; that they would give relief from nervousness and enable one to sleep soundly; that they would nullify over-indulgence in any form and afford healing; that they would enable one to live several days without solid food; that they would act directly on the muscles without affecting the nerve centers; that they would act as a brain tonic; that they would give force and energy and constitute a reservoir of vitality; that they belong in the first rank of economic foods, because they are digestive, stimulating assimilation, and have a laxative, sudorific action; that they would be effective for weak people; that they do not act strongly on the nerves but soothe and quiet them; that they leave no disagreeable aftereffects; that they do not cause insomnia; that they are useful for those who suffer from debility or neurasthenia; that they would preserve beauty; that they had restorative qualities; that they would strengthen the body, brain, and nerves; that they would enable one to gain or regain grand abounding health; that three out of every five adults need the article; that they confer upon all great benefit; that in certain illnesses and body conditions, they bring sure relief; and that they are a first-grade nutrient. The articles were misbranded in the latter respects while held for sale after shipment in interstate commerce.

DISPOSITION: January 29, 1952. Default decree of condemnation and destruction.

3680. Misbranding of Fenco Sinus Relief. U. S. v. 6 Cartons * * *. (F. D. C. No. 30358. Sample No. 48833-K.)

LIBEL FILED: December 29, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 20, 1950, by the United Chemical Co., from Newark, N. J.

PRODUCT: 6 cartons, each containing 18 4-ounce packages, of *Fenco Sinus Relief* at Wilkes-Barre, Pa.

LABEL, IN PART: (Package) "Fenco Sinus Relief Containing Sodium Bicarbonate, Sodium Chloride, Sodium Borate, Zinc Sulfate, Menthol, Eucalyptol and Flavoring."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading since the article was not effective in the treatment of the conditions and diseases stated and implied and was not capable of fulfilling the promises of benefit described: (Package label) "Sinus Relief * * * Individuals with sinus trouble continue to have discomfort so long as the infected material is not draining. This disturbance is usually relieved by using Fenco as directed. In severe cases use Fenco six or eight times a day until results have been obtained. Do not be alarmed if you feel a slight burning sensation when first using Fenco. This is due to inflammation and will disappear after a few applications" and (leaflet enclosed in each package) "Sinus Relief * * * Very often when your nose is stopped up, the infection backs through these openings into the sinuses. Then

they become inflamed and close up, and sometimes even fill with pus. The inflammation gives you the headache, and the pus, if it stays there, can finally get into your blood stream and cause rheumatism and other troubles, such as bronchitis, digestive disturbance, arthritis, and impairment to eyesight * * * When used as directed Fenco should give prompt relief in cases of Sinus, Catarrh, Hay Fever, Head Colds and Rose Fever. Fenco opens up the clogged sinuses and clears the nasal passages of congestion and pus without drying out the membrane of the nose and throat; relieves the inflammation and lets air pass in and out of Sinus caves in a normal way * * * keep sinus and head cold attacks away * * * Nasal congestion and sneezing misery are very common complaints today, and whether caused by sinus, catarrh, hay fever, rose fever or head colds, clogged nostrils succumb to Fenco treatments. 'It clears out the head and keeps it clean' * * * Join the many people who, after suffering from agonizing Sinus-clogged nostrils, head colds and sneezing misery, tell of blessed relief after using Fenco * * * Fenco your head Every Day and keep Sinus and Head Cold attacks away! * * * 'I have suffered from Chronic Sinusitis for the past 18 years. This type of sinus affliction evidenced itself in constant nasal congestion, continuous coughing-up of phlegm and occasional severe headaches. I am most pleased to report, that although I have used "Fenco" for only 2 weeks, the improvement in my condition is almost unbelievable. For the first time in many years I am able to breathe through my nose without restriction. Moreover the post nasal drip has been retarded and my headaches have disappeared.'"

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

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¹(3663) Injunction issued. Contains opinions of the courts.

Q-M-N

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]

3681-3700

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, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., August 7, 1952.

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*For presence of a habit-forming narcotic without warning statement, see Nos. 3681-3683; omission of, or unsatisfactory, ingredients statements, Nos. 3682-3686, 3696; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3681-3686; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3683-3686.

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

3681. Misbranding of Seconal Sodium capsules and methyltestosterone tablets.
U. S. v. Norton Drug Stores, Inc., and Theodore Cibolski and Edward T. Kanaley. Pleas of guilty. Corporation fined \$60, Theodore Cibolski fined \$50, and Edward T. Kanaley fined \$10, together with costs (F. D. C. No. 31262. Sample Nos. 70434-K, 70514-K, 70515-K, 89784-K, 89787-K, 90017-K.)

INFORMATION FILED: November 16, 1951, District of Kansas, against Norton Drug Stores, Inc., Manhattan, Kans., and Theodore Cibolski, secretary of the corporation, and Edward T. Kanaley, an employee.

INTERSTATE SHIPMENT: On or about February 23 and July 10, 1950, from the States of Missouri and New Jersey, of quantities of *methyltestosterone tablets*, and on or about July 13, 1950, from the State of Missouri, of a quantity of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On November 6, 9, 14, 20, and 21, 1950, while the drugs were being held for sale after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The Norton Drug Stores, Inc., was charged with causing the acts of repacking and sale of the drugs involved in each of the six counts of the information; in addition, Theodore Cibolski, in each of five counts of the information, and Edward T. Kanaley, in one count, were charged with causing the acts charged in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: March 7, 1952. Pleas of guilty having been entered, the court fined the corporation \$60, Theodore Cibolski \$50, and Edward T. Kanaley \$10, together with costs.

3682. Misbranding of Seconal Sodium capsules and methyltestosterone tablets.
U. S. v. Lee T. King (Kings Drug Store). Plea of guilty. Fine of \$80, plus costs. (F. D. C. No. 31265. Sample Nos. 55998-K, 70413-K, 70414-K, 70516-K, 70721-K, 89783-K, 89786-K, 90019-K.)

INFORMATION FILED: November 16, 1951, District of Kansas, against Lee T. King, trading as Kings Drug Store, Manhattan, Kansas.

INTERSTATE SHIPMENT: From the States of Indiana, New Jersey, and Missouri, into the State of Kansas, of quantities of *Seconal Sodium capsules* and *methyltestosterone tablets*.

ALLEGED VIOLATION: On or about October 3, 16, 24, and 25, and November 6, 9, 14, and 20, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to