

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS *

4053. Misbranding of Cal-Sal tablets. U. S. v. 12 Display Cartons * * *.
(F. D. C. No. 34436. Sample No. 54088-L.)

LIBEL FILED: December 17, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 15 and November 24, 1952, by the Commerce Drug Co., from Brooklyn, N. Y.

PRODUCT: 12 display cartons, each containing 16 bottles in individual boxes, of *Cal-Sal tablets* at Chicago, Ill.

LABEL, IN PART: (Display carton) "Cal-Sal with Vitamin B₁ Relief of Symptoms Arthritis Rheumatism 1½ Doz."; (box and bottle) "100 Tablets Cal-Sal with Vitamin B₁ for relief of symptoms Arthritis Rheumatism Active Ingredients: Calcium Succinate Acetyl Salicylic Acid Manganese Salicylate Thiamin Chloride 1 mg. Caffeine."

NATURE OF CHARGE: Misbranding, Section 502 (a) the following statements in the labeling of the article, namely, (display carton, box, and bottle) "* * * Relief of Symptoms Arthritis Rheumatism * * *," "* * * effective * * *," "When symptoms subside * * *," and "For most effective results, continue using for a few months after relief from pain has been obtained * * *," were false and misleading since the statements represented and suggested that the article was an adequate and effective treatment for arthritis and rheumatism, whereas the article was not an adequate and effective treatment for arthritis and rheumatism; and the label statement "Active Ingredients: Calcium Succinate" was false and misleading since calcium succinate contributed nothing of therapeutic importance to the article.

Further misbranding, Section 502 (e) (2), the label of the article failed to bear the common or usual name of each active ingredient since the common or usual name of acetylsalicylic acid is aspirin.

DISPOSITION: March 19, 1953. Default decree of condemnation and destruction.

4054. Misbranding of Ar-Rhitis Capsulets. U. S. v. 63 Bottles * * *. (F. D. C. No. 34682. Sample No. 53196-L.)

LIBEL FILED: On or about March 3, 1953, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 15, 1953, by the Reese Chemical Co., from Cleveland, Ohio.

PRODUCT: 63 bottles, each containing 72 *Ar-Rhitis Capsulets* at Springfield, Mo.

RESULTS OF INVESTIGATION: Two placards entitled "New Treatment for Pain Relief of Arthritis & Rheumatism" were shipped with the product. In addition a placard reading "Are You Troubled With Arthritis? Try This On A Money Back Guarantee, Ask For Details" was made up by the dealer for use in promoting the product and was displayed with it.

LABEL, IN PART: (Bottle) "Ar-Rhitis 72 Capsulets Each Contains: Sodium Salicylate . . . 4 grs. Para Amino Benzoic Acid . . . 5 grs. Ascorbic Acid (C) . . . 15 mgs. Thiamin Hydrochloride (B) . . . 3 mgs. * * * for the Relief of Minor Aches and Pains of Arthritis and Rheumatism."

*See also Nos. 4041, 4046, 4048-4050, 4052.

NATURE OF CHARGE: Misbranding, Section 502 (a), the name of the product and certain statements appearing on the bottle label and on the accompanying placards were false and misleading. Such statements, together with the name of the product, represented and suggested that the article was an adequate and effective treatment for arthritis and rheumatism, whereas the article was not an adequate and effective treatment for such conditions. The article was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: April 1, 1953. Default decree of destruction.

4055. Misbranding of Kon-trol-R. U. S. v. 830 Cartoned Bottles, etc. (F. D. C. No. 34689. Sample No. 56942-L.)

LIBEL FILED: February 26, 1953, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 20, 1952, by the Kon-trol-R Co. of America, from Indianapolis, Ind.

PRODUCT: 830 cartoned bottles of *Kon-trol-R* at Cincinnati, Ohio, together with a number of circulars entitled "Kon-trol-R For Your Figure." The bottles were in ½-pint and 1-pint sizes. Examination showed that the product was mint-flavored cider vinegar.

LABEL, IN PART: (Bottle and carton) "Kon-trol-R For Your Figure * * * A Special Blend of Pure Apple Juice Processed for Optimum Acidity, Mint Flavored."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in the accompanying circular were false and misleading since the statements represented and suggested that the article was effective to bring about a loss of body weight, whereas the article was not effective for that purpose.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: April 20, 1953. Default decree of condemnation and destruction.

4056. Misbranding of Derma-Cura medicated skin cleanser. U. S. v. 24 Bottles * * *. (F. D. C. No. 34146. Sample No. 44343-L.)

LIBEL FILED: December 3, 1952, District of Rhode Island.

ALLEGED SHIPMENT: On or about August 28, 1952, by Derma-Cura Laboratories, from Worcester, Mass.

PRODUCT: 24 6-ounce bottles of *Derma-Cura medicated skin cleanser* at Woonsocket, R. I.

LABEL, IN PART: (Bottle) "Derma-Cura Medicated A Pore Deep Skin Cleanser * * * Contains camphor, boric acid, essential oils, alcohol 171 c. c. 6 fl. oz."

NATURE OF CHARGE: Misbranding, Section 502, (a), certain statements on the bottle label and in the circular entitled "Derma-Cura Medicated A Pore Deep Skin Cleanser for particular people" attached to each bottle were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for pyogenic skin infections, freeing clogged skin pores, and stimulating growth of new skin when old skin had been destroyed by infection, rendering the skin sterile and free from eruptions. The article was not an adequate and effective treatment for such conditions and purposes.