

Further misbranding, Section 502 (a), the labeling of the tablets, namely, the label designated "Red Sanger Number 5" intended for use in repackaging the red-coated tablets and the label designated "Green Corbin No. 10" intended for use in repackaging the green-coated tablets, contained statements which represented and suggested that the tablets (red-coated and green-coated tablets) were efficacious in the relief of pain not due to organic disease ordinarily associated with the menstrual period. Such statements were false and misleading since the tablets were not efficacious in the relief of pain not due to organic disease ordinarily associated with the menstrual period. The tablets were misbranded in such respect while held for sale after shipment in interstate commerce.

DISPOSITION: May 20, 1954. Default decree of condemnation and destruction.

**4414. Misbranding of Devine's Zina-Ray oil and Devine's inhaler. U. S. v. 432 Bottles, etc. (F. D. C. No. 36472. Sample Nos. 61106-L, 61107-L.)**

**LABEL FILED:** On or about April 1, 1954, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about December 23, 1953, and February 5, 1954, from Chicago, Ill.

**PRODUCT:** 720 1-ounce bottles and 4 cartons, each carton containing 12 dozen 3-ounce bottles, of *Devine's Zina-Ray oil*, and 40 boxes, each containing 200 *Devine's inhalers*, at Kansas City, Mo., in possession of Susan Buckhinder.

**RESULTS OF INVESTIGATION:** The articles were promoted for sale through demonstrations given by Mrs. Buckhinder, a representative of Devine's Remedies, Inc., Chicago, Ill. During the course of these demonstrations, Mrs. Buckhinder would recommend the articles for use in the treatment and prevention of various diseases and conditions.

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the treatment of sinus, migraine headaches, arthritis, neuritis, lumbago, and asthma, and for preventing tonsillitis, laryngitis, bronchitis, and pneumonia, which were the conditions and purposes for which the articles were intended. The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 24, 1954. Default decree of forfeiture and destruction.

#### **DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS**

**4415. Adulteration and misbranding of liver injection. U. S. v. Bio-Ramo Drug Co., Inc., and Dr. Clifford W. Price. Pleas of not guilty. Tried to the court. Verdict of guilty against corporation; motion granted for dismissal of charge against individual. Fine of \$750, plus costs, against corporation. (F. D. C. No. 35557. Sample No. 26462-L.)**

**INFORMATION FILED:** January 6, 1954, District of Maryland, against Bio-Ramo Drug Co., Inc., Baltimore, Md., and Dr. Clifford W. Price, technical director of the corporation.

**ALLEGED SHIPMENT:** On or about February 26, 1953, from the State of Maryland into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 501 (b), the article purported to be and was represented as "Liver Injection Crude," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and its strength differed from the official standard since each cubic centimeter of the

article had a vitamin B<sub>12</sub> activity equivalent to less than 2 micrograms of cyanocobalamin, the minimum permitted by the standard.

Misbranding, Section 502 (a), the label statements "Liver Injection, Crude, U. S. P. Each cc has a Vitamin B-12 activity equivalent to 2 micrograms of cyanocobalamin" were false and misleading. The statements represented and suggested that the article conformed to the specifications of the United States Pharmacopeia for "Liver Injection Crude," and that the vitamin B<sub>12</sub> activity of the article was equivalent to 2 micrograms of cyanocobalamin per cubic centimeter. The article did not conform to the specifications of the United States Pharmacopeia for "Liver Injection Crude," and the vitamin B<sub>12</sub> activity of the article was not equivalent to 2 micrograms of cyanocobalamin per cubic centimeter.

**DISPOSITION:** May 4, 1954. The defendants having entered pleas of not guilty, the case came on for trial before the court without a jury. At the conclusion of the testimony, the court granted the defendants' motion for dismissal of the charge against Dr. Price and returned a verdict of guilty against the corporation. The corporation was fined \$750, plus costs.

**4416. Adulteration of compound bismuth subgallate tablets. U. S. v. 3,500 Tablets \* \* \*. (F. D. C. No. 36687. Sample No. 63476-L.)**

**LABEL FILED:** March 17, 1954, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 10, 1953, by Wilson-Keith & Co., from St. Louis, Mo.

**PRODUCT:** 3,500 tablets in a bulk container at Elmwood, Ill. Analysis showed that the article contained more than the declared quantity of copper arsenite.

**LABEL, IN PART:** "Compressed Tablets Each Tablet Contains: Copper Arsenite—1/200 Gr."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, 1/200 grain of copper arsenite.

**DISPOSITION:** April 9, 1954. Default decree of condemnation and destruction.

#### **DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**4417. Action to enjoin and restrain the interstate shipment of "No-Fast." U. S. v. "No-Fast" Mfg. & Distributing Co. Default decree of permanent injunction granted. (Inj. No. 269.)**

**COMPLAINT FILED:** March 9, 1954, District of Colorado, against the "No-Fast" Mfg. & Distributing Co., a corporation, Denver, Colo.

**NATURE OF CHARGE:** That the defendant had been and was at the time of the filing of the complaint, introducing and causing to be introduced, into interstate commerce, a drug called "No-Fast" which consisted of petroleum jelly, magnesium trisilicate, magnesium oxide, sodium bicarbonate, bismuth subnitrate, sodium chloride, and honey, and which was misbranded as follows:

Section 502 (a), certain statements on the label of the article and in a leaflet enclosed with the article were false and misleading since the statements represented that the article was effective for the relief of stomach irritations, stomach ulcers, constipation, gastritis, acid indigestion, and hemorrhoids, whereas the article was not so effective.

\*See also Nos. 4413, 4415.