

502 (a)—the labeling of the article contained the false and misleading statement "Each tablet contains: Dextro Amphetamine Sulfate 5 Mg."

DISPOSITION: 8-27-56. Consent—destruction.

5151. Elixir Cena-B. (F. D. C. No. 38957. S. No. 47-455 M.)

QUANTITY: 52 1-pt. btls. and 4 1-gal. btls. at Irvington, N. J.

SHIPPED: 1-21-56, from Long Island City, N. Y., by Ormont Drug & Chemical Co., Inc.

LABEL IN PART: (Btl.) "Elixir Cena-B Alcohol 21% By Volume."

RESULTS OF INVESTIGATION: Analysis showed that the article contained substantially more than the declared amount of phenobarbital.

LIBELED: 2-20-56, Dist. N. J.

CHARGE: 501 (c)—the strength of the article, when shipped, differed from that which it purported and was represented to possess; and 502 (a)—the label statement "Each 5 cc (1 Teaspoonful) Contains: Phenobarbital ($\frac{1}{4}$ Gr.). . . . 16.0 Mg." was false and misleading.

DISPOSITION: 3-27-56. Default—destruction.

5152. Rauwolfia serpentina (powder and tablets). (F. D. C. No. 37372. S. Nos. 84-971 L, 84-973 L.)

QUANTITY: 1 drum containing 119 lbs., 1 drum containing 110 $\frac{1}{4}$ lbs., and 100,000 tablets at Philadelphia, Pa.

SHIPPED: 9-15-54 and 10-22-54, from New York, N. Y., by Prentiss Drug & Chemical Co., Inc., and Fine Chemical Co.

RESULTS OF INVESTIGATION: The article (powder) was shipped to Philadelphia, Pa., and after its arrival, a portion of the bulk powder was used to prepare the above-mentioned tablets, each of which contained 100 mg. of the powder.

Examination of the article (powder and tablets) showed that it contained the ground root of a species of *Rauwolfia* other than *Rauwolfia serpentina*.

LIBELED: 11-24-54, E. Dist. Pa.

CHARGE: 501 (d) (2)—the article (powder and tablets) was represented as *Rauwolfia serpentina* when shipped, and a substance other than *Rauwolfia serpentina* had been substituted in whole or in part therefor; and 502 (a)—the designation "Rauwolfia Serpentina" on the drum labels of the article was false and misleading since such designation represented and suggested that the article consisted wholly of *Rauwolfia serpentina*, whereas such was not the case.

DISPOSITION: Gane & Ingram, Inc., New York, N. Y., appeared as claimant and filed an answer denying that the article was adulterated or misbranded. The case came on for trial before the court without a jury; and, at its conclusion, the court, on 1-28-56, entered a decree condemning the article and ordering its destruction.

5153. Citru-Mix. (F. D. C. No. 39047. S. No. 35-465 M.)

QUANTITY: 48 2-oz. jars at Richmond, Ind.

SHIPPED: During September 1950, from Grand Rapids, Mich.

LIBELED: 5-18-56, S. Dist. Ind.

CHARGE: 501 (c)—the strength of the article, while held for sale, differed from that which it purported and was represented to possess, namely, 5 mg. of vita-

min B₁ per ounce; and 502 (a)—the label statement "Vitamin B₁ (* * * 5 Mgm. per ounce)" was false and misleading as applied to the article, which contained less than 5 mg. of vitamin B₁ per ounce.

DISPOSITION: 9-14-56. Default—destruction.

5154. Fer-A-Bin tablets. (F. D. C. No. 39568. S. No. 50-526 M.)

QUANTITY: 8 1,000-tablet btls. and 9 100-tablet btls. at Los Angeles, Calif.

SHIPPED: 3-2-49, from Cedar Rapids, Iowa.

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than the declared amount of thiamine chloride.

LIBELED: 9-17-56, S. Dist. Calif.

CHARGE: 501 (c)—the strength of the article, while held for sale, differed from that which it was represented to possess, namely, 1 mg. of thiamine chloride; and 502 (a)—the label statement "Each Tablet Contains * * * Thiamin Chloride . . . 1 mgm." was false and misleading.

DISPOSITION: 10-11-56. Default—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

5155. Herbal drugs. (Inj. No. 301.)

COMPLAINT FOR INJUNCTION FILED: 10-4-56, N. Dist. Ind., against Deonisie Daniel Chirila, t/a Naturopathic Health Clinic; Chirila Naturopathic Clinic; Dr. Chirila's Health Clinic; Chirila Health Clinic; Dr. Chirila, N. D., Foundation of Physical Medicine; Chirila's Foundation of Physical Medicine; Dr. Deonisie D. Chirila's Health Clinic; Chirila Naturopathic Sanitarium-Clinic; and Chirila Sanitarium, at Elkhart, Ind.

CHARGE: The complaint alleged that the defendant was engaged in the business of manufacturing, preparing, selling, and distributing in interstate commerce various *herbal drugs* for human ailments; that the defendant maintained at his place of business a stock of bulk raw materials consisting of drugs, herbs, oils, salves, and extracts compounds which were received from interstate sources and were for use in the manufacture of the above-mentioned *herbal drugs*; that in the sale and distribution in interstate commerce of the *herbal drugs*, the defendant employed two methods, as follows: (1) Upon receipt of orders for such drugs, the defendant would deliver the drugs to the post office at Elkhart, Ind., for shipment to the individual purchasers and (2) in the course of personal interviews at Elkhart, Ind., with prospective out-of-state customers, the defendant would make a diagnosis of the customers' diseases and conditions and offer to sell such customers one or more of the *herbal drugs* for use in the treatment of the diagnosed diseases and conditions; and that when the *herbal drugs* were so sold and delivered, the defendant caused the drugs to be accompanied by one or more of the following pieces of labeling: pamphlets entitled "Advance Knowledge of the Cause of Human Ailments—Their Diagnosis and Beneficial Methods of Treatment Aid," "Scientific Development of Diagnosis and Treatment of the Human Body," "The Human Body and Its Physical Make-Up in Health or Unhealth," and "Dr. Chirila's Exercises for General Health—Supplement To Nature's Advanced Physician Health Guide"; booklets entitled "The Iris-Feet-Physical Diagnosis Interpret-

*See also Nos. 5146-5154.