

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.

ing Book Aid—Copyright 1947,” “Nature’s Advanced Health Guide—Final Supplement to Nature’s Advanced Physician Health Guide,” “Dr. Deonisie Daniel Chirila’s Practical and Experimentally Developed Herbal Formulas * * * For the Benefit of Those in Need or Concerned,” and “Nature’s Aid Advanced Health Guide”; brochures entitled “Fundamental Healing Aid and Health Guide” and “Dr. Deonisie D. Chirila, N. D., M. T. D., D. C. * * * Founder and Originator of The Formulas Outlined in this Monumental Brochure For The Body Cleansing and Healing Aid”; leaflets entitled “Failures and Misconceptions by Dr. Deonisie D. Chirila” and “Announcement—Dr. Chirila’s New Herbal Compound Preparations as General Body Energizing and Mucus Cleansing Aid for Restoration of Health”; and form letters headed “Dear Friends: —No. 327 Purgative Medium,” “Health News and Truth—Dear Folks and Friends,” and “Dear Doctor and Fellow Practitioner.”

The complaint alleged further that the *herbal drugs* were misbranded under 502 (a) because of false and misleading representations in their labeling that such drugs constituted adequate and effective treatments for various diseases, symptoms, and conditions, including one or more of the following: brain troubles, eye infirmities, epilepsy, nervous troubles, influenza, high blood pressure, apoplexy, toxic conditions, laryngitis, acute indigestion, Bright’s disease, inflammation of the kidneys, gallbladder and bile duct irritations, tuberculosis, lung weakness, anemia, sores, blood poisoning, intestinal ulceration and inflammation, neuralgia, backache, liver trouble, malarial fever, biliousness, acidosis, rheumatism, gout, arthritis, cough, cold, and functional kidney weakness.

The complaint alleged also that the defendant was well aware that his activities were violative of the law; that inspections had been made of his business in April 1944 and April 1955; that he had been warned against the interstate shipment of misbranded drugs by a Notice of Hearing dated 7-27-55; and that investigations in March and April 1956 showed that he was still continuing to ship misbranded drugs.

DISPOSITION: 10-18-56. The defendant having consented to the entry of a decree, the court entered a decree of permanent injunction. The decree enjoined the defendant against causing to be introduced and delivered for introduction into interstate commerce (1) the *herbal drugs* described in the complaint for injunction, and labeled as adequate and effective treatments for the diseases and ailments alleged, and (2) any quantity or amount, in any combination, of the bulk raw materials then held in stock by the defendant and used by him in the manufacturing of any similar drugs or any drugs offered for similar purposes.

The decree enjoined also the defendant against (1) causing such drugs to be accompanied by the above-described pieces of labeling or any similar written, printed, or graphic matter; (2) causing such drugs to be misbranded under 502 (a) by false and misleading representations with respect to the therapeutic efficacy of such drugs; (3) causing such drugs to be misbranded under 502 (f) (1) by reason of the failure of their labelings to bear adequate directions for use; and (4) doing any act with respect to such drugs, while held for sale after shipment in interstate commerce, which would result in such drugs being misbranded under 502 (a) and 502 (f) (1).

5156. Ce-Kelp tablets. (F. D. C. No. 39266. S. No. 3-201 M.)

QUANTITY: 16 1,000-tablet btls. at Portsmouth, N. H.