

Northern District of Illinois (No. 3344), judgment of condemnation was entered and the court ordered that the product be destroyed.

3346. Misbranding of Weber's laxative cold tablets. U. S. v. 97 Bottles * * *
(F. D. C. No. 29701. Sample No. 13746-K.)

LIBEL FILED: August 28, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 9, 1950, from Buffalo, N. Y.

PRODUCT: 97 bottles of *Weber's laxative cold tablets* at Chambersburg, Pa., in possession of H. Weber & Co.

RESULTS OF INVESTIGATION: Investigation disclosed that the tablets were re-packed after completion of the interstate shipment.

LABEL, IN PART: "Weber's Laxative Cold Tablets For Colds and LaGrippe * * * Each Tablet Represents Acetanilid 2 gr. Tincture Aconite 3½ M Tincture Gelsemium 4½ M Ipecac ¼ gr. Aloin ½ gr. Podophyllin ½ gr. Capsicum ¼ gr."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "For Colds and LaGrippe" was false and misleading since the article would not be effective in the treatment of such conditions; and, Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users since the label failed to warn that the frequent or continued use of an article containing acetanilid may be dangerous, causing serious blood disturbances, anemia, collapse, or a dependence on the drug; and the label failed also to warn that frequent or continued use of the article may result in a dependence on laxatives, and that the article should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis are present. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: February 5, 1951. Default decree of condemnation and destruction.

3347. Misbranding of Rheumolek Herb Tea No. 3 and Hematone Herb Tea No. 4. U. S. v. 15 Bags, etc. (F. D. C. No. 30359. Sample Nos. 81768-K to 81771-K, incl.)

LIBEL FILED: December 28, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 28, October 6, and November 8, 1950, from New York, N. Y., by E. C. Diez Drug Co., Inc.

PRODUCT: 15 bags and 150 cartons of *Rheumolek Herb Tea No. 3*, and 8 bags and 100 cartons of *Hematone Herb Tea No. 4*, at Morrisville, Pa., in possession of Tatra Co., together with a number of order blanks headed "Odrhnete A Poslete Tuto Objednavku Na Adresu."

RESULTS OF INVESTIGATION: The products were shipped in 100-pound bags to which were attached tags bearing the names and addresses of the shipper and consignee on one side and on the reverse side the statement "100 #3" or "100 #4."

The consignee had repackaged portions of the contents of the bags in cartons holding 5 ounces each, and had labeled the cartons as set forth below.

LABEL, IN PART: (Carton) "Rheumolek Herb Tea No. 3 * * * Buchu Leaves, Black Cohosh, Pipsissewa, Wintergreen, Bearberry, Coriander, Rosemary

Leaves, Fennel, Senna Pods, Elder Flowers, Nettle Leaves, Licorice, Marsh-mallow Root" and "Hematone Herb Tea No. 4 * * * Sarsaparilla Root, Burdock Root, Peppermint, Anise, Licorice, Yarrow Herb, Senna, Safflowers, Fennel, Yellow Dock Root."

NATURE OF CHARGE: The products were misbranded when introduced into, and while in, interstate commerce as follows: Section 502 (e), the labels of the articles failed to bear the names of the active ingredients contained therein; and, Section 502 (f) (1), the labeling failed to bear adequate directions for use since it bore no directions for use.

The products were misbranded, Section 502 (a), while held for sale after shipment in interstate commerce. The following statements on the labels and on the accompanying order blanks were false and misleading: (Carton) "Rheumolek * * * A compound of medicinally proven herbs as an aid in relieving the pains of Rheumatism, Neuritis, Arthritis, Neuralgia, Sciatica and Lumbago, by promoting elimination of excess acids and wastes, when due to sluggish action of the kidneys. Diuretic Alterative Sedative * * * Assists the organs of elimination; removes waste and poisonous matter and reduces excess acidity" and (order blank in Slovak) "Rheumolek Are you worried about rheumatic pains in your arms, legs, or back? Do you have pains in your bones? Why suffer longer! The wonderful 'Rheumolek' Tea #3 can help you * * * relief * * * you will get from this * * * Tea"; (carton) "Hematone * * * blend of herbs especially recommended * * * for * * * Tonic and Alterative properties, when indicated in certain conditions of poor blood, sallow complexion and skin eruptions, resulting from excessive waste in the system due to faulty elimination. Aids in Purifying * * * Vitalizing and Enriching the Blood" and (order blank in Slovak) "Our 'Hematone Blood Tea #4' * * * for cleaning and enriching your blood, if you want pure healthy blood, to rid yourself of any unpleasantness of feeling, to have a beautiful skin, regain your normal strength and have a feeling of well being * * * you must have pure blood." The products would not be effective for the purposes stated and implied, and would not fulfill the promises of benefit made for them in the above statements.

DISPOSITION: January 11, 1951. The Tatra Co., Morrisville, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3348. Adulteration of orrisroot and chamomile flowers. U. S. v. 12 Bags, etc.
(F. D. C. No. 29840. Sample Nos. 73039-K, 73040-K.)

LIBEL FILED: October 20, 1950, Southern District of New York.

ALLEGED SHIPMENT: The *orrisroot* was imported from Italy prior to March 23, 1949, and the *chamomile flowers* were imported from Belgium on or about November 9, 1949.

PRODUCT: 12 bags, each containing 160 pounds, of *orrisroot*, and 12 bags, each containing 110 pounds of *chamomile flowers*, at New York, N Y.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.