DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3376. Misbranding of Pan-Tone. U. S. v. Pan-Tone Drug Co. Plea of nolo contendere. Sentence deferred. (F. D. C. No. 30000. Sample No. 47665–K.)

INFORMATION FILED: December 11, 1950, Southern District of Florida, against the Pan-Tone Drug Co., a corporation, Jacksonville, Fla.

ALLEGED SHIPMENT: On or about March 6, 1950, from the State of Florida into the State of Virginia.

PRODUCT: Analysis disclosed that the product was a solution containing 46 percent of epsom salt, and ferric iron equivalent to 1.4 percent of ferric chloride solution.

LABEL, IN PART: "Pan-Tone * * * Medicine * * * Active Ingredients Solution of Ferric Chloride, Citric Acid, Glycerine, Epsom Salts (Magnesium Sulphate), and U.S. Certified Food Coloring."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying circulars entitled "How Many Years Are You Going to Live" were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of rheumatism, neuralgia, neuritis, high blood pressure, lumbago, sciatica, constipation, nervousness, headaches, biliousness, kidney disorders, dizziness, backaches, swollen feet, pains in the bones, joints, and muscles, anemia, dyspepsia, indigestion, heartburn, bloating, boils, a tired, broken-down feeling, diabetes, bleeding piles, and diarrhea; and that the article would be efficacious to promote longer life, purify the blood, build the body, and to restore the appetite. The article would not be efficacious for the purposes represented.

DISPOSITION: January 15, 1951. A plea of nolo contendere having been entered the defendant was judged guilty as charged in the information, and sentence was deferred for 1 year, until January 1952, during which time the defendant was to bring the labeling of the product into full compliance with the law.

3377. Misbranding of Lar tablets and Looz tablets. U. S. v. 69 Bottles, etc. (F. D. C. No. 30372. Sample Nos. 59398–K, 59399–K.)

LIBEL FILED: January 12, 1951, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 2 and November 7 and 22, 1950, by Looz, Inc., from Chicago, Ill.

PRODUCT: 69 40-tablet bottles of *Lar tablets* and 92 30-tablet bottles of *Looz tablets* at Hammond, Ind., together with a number of streamers entitled "Take Lar," "Lumbago-Arthritis Rheumatism," and "Reduce Hips & Waist."

LABEL, IN PART: (Bottles) "Lar enteric coated Tablets * * * Ingredients: Vit B_1 (Thiamine Hydrochloride, Sodium Salicylate, aspirin (Acetyl Salicylic Acid), Caffeine Alkaloid" and "Looz * * * Ingredients: Dried Magnesium Sulfate, Exsiccated Sodium Sulfate, Magnesium Carbonate, Magnesium Oxide."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle labels and streamers were false and misleading. The statements represented and suggested that the *Lar tablets* were a competent and effective treatment for lumbago, arthritis, and rheumatism, and that the *Looz tablets* would be effective for providing weight reduction, whereas the articles would not be effective for such purposes.

DISPOSITION: March 7, 1951. Default decree of condemnation and destruction.

*See also Nos. 3372–3375.