3398. Misbranding of mineral oil. U. S. v. 80 Cases * * *. (F. D. C. No. 30770. Sample No. 1805–L.)

LIBEL FILED: March 13, 1951, Southern District of Georgia.

ALLEGED SHIPMENT: On or about October 9, 1950, by the Cumberland Mfg. Co., from Nashville, Tenn.

PRODUCT: 80 cases, each containing 12 1-pint bottles, of *mineral oil* at Augusta Ga.

LABEL, IN PART: (Bottle) "Dr. Lane's Mineral Oil."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement borne on the bottle label, namely, "As Mineral Oil does not disturb the system it is a safe intestinal lubricant for * * * nursing or expectant mothers," was false and misleading since the article was not safe for use by nursing or expectant mothers.

DISPOSITION: April 16, 1951. Default decree of condemnation and destruction.

3399. Misbranding of Lazarin ointment. U. S. v. 1 Drum, etc. (F. D. C. No. 29716. Sample No. 73215–K.)

LIBEL FILED: September 6, 1950, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 18, 1950, from Newark, N. J., by the Old Empire Mfg. Chemists.

PRODUCT: *Lazarin ointment.* 1 100-pound drum; 120 dozen cartons, each containing a 1¼-ounce tube; and 60 dozen cartons, each containing a 4-ounce tube, in possession of the Lazarin Co., Oceanside, N. Y.

RESULTS OF INVESTIGATION: The product was shipped in interstate commerce in 3 drums, and portions had been repackaged in tubes by the consignee. The tubes were enclosed in cartons, and a leaflet entitled "Lazarin Ointment" was inserted in each carton. At the time of the investigation, approximately 100 pounds of the ointment remained in one of the drums. The drums at the time bore no labeling but the word "Ointment." This fact was reported to the United States Attorney, and the libel prepared by him charged that the product in the drums was misbranded for failure to bear labeling required by Sections 502 (b) (1) and (2) and 502 (e) (2).

Subsequent to the filing of the libel, the shipper stated that the drums when shipped bore tags or marks containing the name and address of the distributor and a statement of the net weight; but he admitted that the drums failed to bear a statement of the active ingredients, as required by Section 502 (e) (2), and that no written agreement as to labeling was in effect pursuant to regulations promulgated under Section 503. However, no defense was interposed, and no action was taken to have the libel amended.

LABEL, IN PART: (Carton) "An Antibiotic Ointment Lazarin * * * Tyrothricin (.175 mg. per gram)"; (tube) "Lazarin With Tyrothricin An Antibiotic ointment containing Tyrothricin (.175 mg. per gm.)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the repackaged product were false and misleading: (Carton) "Tyrothricin (.175 mg. per gram) * * * Combats Infection," (tube) "Tyrothricin (.175 mg. per gm)," and (leaflet) "Lazarin contains Tyrothricin, a * * * antiseptic, for the prevention of infection * * * Prompt use of Lazarin with Tyrothricin, safeguards your babies health * * * the anti-infective properties of Tyrothricin * * * Lazarin has proven itself extremely effective in the treatment of the following conditions: Varicose