3115. Adulteration and misbranding of clinical fever thermometers. U. S. v. 2 Gross * * *. (F. D. C. No. 29035. Sample No. 60135–K.)

LIBEL FILED: April 7, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 16, 1949, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

PRODUCT: 2 gross of *clinical fever thermometers* at Chicago, Ill. Examination of 24 samples showed that 2 failed to meet the C. S. 1–32 specifications for retreating index and that 5 did not have the claimed accuracy of 2/10 degrees at 98°, 102°, and 106° Fahrenheit.

LABEL, IN PART: "Clinical Fever Thermometers Description Illinois Stubby Oral."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading as applied to an article which failed to comply with the specifications stated: "Certification These thermometers have been manufactured according to the rules and regulations, and have been compared with the standard thermometers, verified by the United States Bureau of Standards" and "This Certifies that the enclosed thermometer bearing the above identification number has been tested on the above date at 98°, 102° and 106° F. and is correct within plus or minus 2/10 F. at any of these test points. This test is governed by a Standard Thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. All our thermometers are manufactured in accord with their specifications. (C. S. 1–32 Department of Commerce.) The enclosed thermometer is guaranteed to be of absolute accuracy."

DISPOSITION: May 9, 1950. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3116. Misbranding of Y–N–I Tonic Tablets. U. S. v. 35,000 Tablets * * *. (F. D. C. No. 28747. Sample No. 64394–K.)

LIBEL FILED: March 7, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about September 17, 1949, by the Dietz Laboratories, from St. Louis, Mo.

PRODUCT: 35,000 *Y–N–I Tonic Tablets* at St. Paul, Minn.

LABEL, IN PART: "Y–N–I Tonic Tablets Each Tablet Contains: Po. Nux Vomica 1/16 Gr., Peptonized Iron 3/4 Gr., Cascarin Bitter 1/4 Gr., Calcium Glycerophosphate 1/8 Gr., Sodium Glycerophosphate 1/8 Gr. Dehydrated Brewers Yeast 2 Grs."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the labels of the article "Tonic Tablets" and "to be taken by adults in need of a Tonic of this type for that tired run-down and pepless feeling" were false and misleading since the article was not a tonic and was not effective for the purposes stated.

DISPOSITION: May 16, 1950. Default decree of destruction.

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*See also Nos. 3102, 3110–3112, 3114, 3115.