

**SHIPPED:** A portion of the article was transported from Chicago, Ill., in January 1957, by Al Cavey and Dave Farrell, partners in the Pega Palo Sales Co., Salt Lake City, Utah, and a portion of the article was shipped from Chicago, Ill., on 3-1-57, by A-1 Import Co.

**LIBELED:** 3-14-58, Dist. Utah

**CHARGE:** 502(f) (1)—the labeling of the article, when shipped and while held for sale, failed to bear adequate directions for its used as an aphrodisiac and as a sex rejuvenator, which were the purposes for which the article was intended; and 505(a)—the article was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to the article.

**DISPOSITION:** 8-1-58. Default—destruction.

**DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS\***

**5623. R.D.S. laxative herb.** (F.D.C. No. 41495. S. No. 14-969 P.)

**QUANTITY:** 1,386 pkgs. at Louisville, Ky., in possession of R. D. Smith.

**SHIPPED:** At various times, from Cincinnati, Ohio.

**LABEL IN PART:** "Net Contents 1 Oz. \* \* \* R.D.S. Laxative Herbs \* \* \* Active Laxative Ingredients: Senna, Cascara Sagrada. Inactive Ingredients: Saffron, Uva Ursi, Dandelion, Sarsaparilla, Licorice, China Cassia, Anise Seed, Sassafras Bark of Root, Elder Flowers, Cloves and Salicylic Acid \* \* \* Directions: \* \* \* Prepared for R. D. Smith \* \* \* Zanesville, Ohio."

**RESULTS OF INVESTIGATION:** R. D. Smith was engaged in vending the product to the public, from a sales booth, on the premises of a retail five-and-dime variety store.

**LIBELED:** 4-10-58, W. Dist. Ky.

**CHARGE:** 502(f) (1)—the labeling of the article, while held for sale, failed to bear adequate directions for use in overcoming worm infestation, indigestion, sour stomach, rheumatism, and for preventing diseases of all types, which were the purposes for which the salesman, R. D. Smith, orally offered the product.

**DISPOSITION:** 6-27-58. Default—destruction.

**5624. Botanical drugs.** (F.D.C. No. 41538. S. Nos. 11-870/81 P, 11-883 P, 11-885/97 P, 11-899/914 P, 11-916/38 P.)

**QUANTITY:** 1,000 lbs. of various crude botanical drugs in cans, drums, cloth or paper bags, and boxes, and an unknown quantity of botanical drugs re-packaged into boxes and into 2-, 6-, 12-, and 32-oz. btls. at Port Huron, Mich., in possession of W. H. McConnell. The crude botanical drugs consisted of such articles as *cascara sagrada*, *elm*, *sweetgum*, and *tamarack barks*; *horsetail* and *knottgrasses*; *red clover tops*; *shillingia*, *blue flag*, *burdock*, *yellow dock*, *poke*, *berberis*, *mandrake*, *sassafras*, *bayberry*, *turnip*, *wild gum*, and *button snakeroots*; *mullein*, *buchu*, *damiana*, *strawberry*, *balmony*, and *senna leaves*; *blue vervian*, *chickweed*; *lobelia*, *scouring rush*, and *boneset herbs*; and *palmetto berries*.

**SHIPPED:** Between 12-15-48 and 11-18-57, from Jersey City, N.J.

\*See also No. 5622.

**LABEL IN PART:** (Typical specimens on repacked drugs) "No. 11 for Sugar Diabetes Take two tablespoonfuls three times per day," "No. 12 one teaspoonful every three hours," "No. 14 Cancer Liniment Saturate a cloth and apply twice a day," and "No. 45 Kidney Medicine One teaspoonful in a glass of water. Dose,  $\frac{1}{2}$  morning, noon and night."

**ACCOMPANYING LABELING:** An unknown quantity of loose, printed and typed labels intended for use on the repacked drugs.

**RESULTS OF INVESTIGATION:** The repacked drugs had been prepared by W. H. McConnell, by grinding a portion of the crude botanical drugs into a powder and packing into cardboard boxes of 2-oz. and 8-oz. sizes; by grinding to a powder and capsulating the crude drugs, and then packaging the capsules in boxes of 60 or 100 capsules; and by mixing the crude drugs and cooking them with water, and then bottling the liquid extracts into 2-, 6-, 12-, and 32-ozs. btls.

**LIBELED:** On or about 5-6-58, E. Dist. Mich.

**CHARGE:** 502(a)—while held for sale, a portion of the labels of the articles contained false and misleading claims for the treatment of cancer, diabetes, sinus infection, "flu," rheumatism, and other serious diseases for which the articles would not be an adequate and effective treatment; 502(b)(2)—none of the labels of the articles bore any statement of the quantity of contents contained therein; 502(e)—the labels of the articles failed to bear (1) the common or usual name of the article, and (2) the common or usual name of each active ingredient contained therein; 502(f)(1)—the labeling of the articles failed to bear adequate directions for use for the purposes for which they were intended, for example, eight of the liquid medicines were intended to be used as "blood purifiers," and their individual labels failed to state the purpose for which they were to be used, and item "No. 12" was intended for use as a "strengthenener and growth dissolver," and its label gave no indication for use.

**DISPOSITION:** 6-10-58. Default—some of the drugs were delivered to the Food and Drug Administration and the remainder was destroyed.

**5625. Epsom salt.** (F.D.C. No. 41525. S. No. 6-979 P.)

**QUANTITY:** 210 cases, 12 boxes each, at Providence, R.I.

**SHIPPED:** 4-9-58, from Boston, Mass., by Atlantic Salt & Chemical Co. (also known as Atlantic Salt Co.).

**LABEL IN PART:** (Box) "Five Pounds Atlantic Clipper Epsom Salt U.S.P."

**LIBELED:** 4-21-58, Dist. R.I.

**CHARGE:** 502(a)—the label of the article, when shipped, contained false and misleading representations that the article was an adequate and effective treatment for biliousness and other digestive disorders; and 502(f)(2)—the article was essentially a laxative, and its labeling failed to bear a warning that frequent or continued use may result in dependence on laxatives to move the bowels.

**DISPOSITION:** 6-24-58. Consent—claimed by Atlantic Salt Co. and relabeled.

#### **DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS**

**5626. Posterior pituitary injection.** (F.D.C. No. 41625. S. No. 64-360 M.)

**QUANTITY:** 4 ctns., 100 ampuls each, at Pittsburgh, Pa.

**SHIPPED:** 11-11-57, from Tuckahoe, N.Y., by Burroughs Wellcome & Co., Inc.