5383. Pego Palo vine. (F. D. C. No. 40191. S. No. 48–358 M.)

QUANTITY: 1 ctn. containing 328 cellophane bags of vine at Floral Park, N.Y., in possession of Frank Miglio.

SHIPPED: 2–19–57, from Chicago, Ill., by A–1 Import Co.

LABEL IN PART: (Bag) "Pega Palo" or "Pega Palo Vine Chicago, Illinois."

ACCOMPANYING LABELING: Reprints entitled "Pega Palo The Vine That Makes You Virile."

RESULTS OF INVESTIGATION: The reprints were printed locally for the consignee.

LIBELED: 5–3–57, E. Dist. N. Y.

CHARGE: 505 (a)—the article, when shipped, was a new drug which may not be shipped in interstate commerce since an application filed pursuant to 505 (b) was not effective with respect to the drug; and 502 (f) (1)—the labeling of the article, when shipped and while held for sale, failed to bear adequate directions for use for the purpose for which it was intended, namely, as an aphrodisiac.

DISPOSITION: 6–4–57. Default—destruction.

5384. Pega Palo vine. (F. D. C. No. 40212. S. No. 63–854 M.)

QUANTITY: 2 pkgs., each containing 7 pieces of vine packed separately in pliofilm envelopes, at Albuquerque, N. Mex., in possession of Robert Garcia.

SHIPPED: 4–26–57, from Chicago, Ill., by Health Enterprises.

LABEL IN PART: (Envelope) "Pega Palo Vine * * * Packed by A–1 Import Company Chicago 51, Ill. Contents: 7 grams or over."

ACCOMPANYING LABELING: Reprints entitled "The Vine That Makes You Virile."

LIBELED: 5–20–57, Dist. N. Mex.

CHARGE: 505 (a)—the article, when shipped, was a new drug which may not be shipped in interstate commerce since an application filed pursuant to 505 (b) was not effective with respect to the drug; and 502 (f) (1)—the labeling of the article, when shipped and while held for sale, failed to bear adequate directions for use for the purpose for which it was intended, namely, as an aphrodisiac.

DISPOSITION: 6–21–57. Default—delivered to the Food and Drug Administration.

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

5385. Peppermint tea leaves, wheat germ oil, herb laxative, concentrated broth, whole wheat, wheat germ. (F. D. C. No. 33790. S. Nos. 14–497/8 L, 14–500 L, 14–502 L, 18–317/8 L, 18–322 L.)

INDICTMENT RETURNED: 8–2–54, against El Rancho Adolphus Products, Inc., Scientific Living, Inc., and Adolphus Hohensee, all of Scranton, Pa.

SHIPPED: Between 1–21–52 and 8–14–52, from Pennsylvania to Arizona and Colorado.

LABEL IN PART: (Can) "El Rancho Adolphus Brand Genuine-Select Imported Peppermint Tea Leaves * * * Net Weight 3 Ozs. [or "Herb Laxative (Minted) * * * Net Weight 3 Oz.," "Concentrated Broth In Dry Mechanically Pulverized Form * * * Net Weight 8 Oz.," or "Improved Wheat Germ

*See also Nos. 5381–5384, 5400.