

29012. Misbranding of Hi-Test Vaginal Suppositories and Femisan Suppositories. U. S. v. 36 Boxes of Hi-Test Vaginal Suppositories (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41459, 41460. Sample Nos. 47557-C, 47559-C, 1841-D.)

This product was represented to be antiseptic, whereas it was not antiseptic.

On January 18, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 392 boxes of suppositories at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on various dates between April 20 and November 9, 1937, from St. Louis, Mo., by the S. Pfeiffer Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act. One lot was labeled: "Fem-I-San Suppositories * * * Distributed by the Fem-I-San Company, St. Louis, Missouri." The other lot was labeled: "Hi-Test Vaginal Suppositories * * * Hi-Test Laboratories, St. Louis, Mo."

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading since they represented that it was antiseptic, whereas it was not antiseptic: (Box) "(Vaginal Antiseptic)"; (leaflet) "The suppository * * * spreads a temporary germicidal coating over the mucous membrane with which it comes in contact."

On April 12, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29013. Misbranding of Myraphen. U. S. v. 241 Packages and 135 Packages of Myraphen (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41886, 41893. Sample Nos. 11855-D, 14034-D, 14035-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its safety as a medicament.

On March 5, 1938, the United States attorneys for the Districts of Connecticut and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 376 packages of Myraphen at New Haven, Conn., and 37 tins of Myraphen at Malden, Mass.; alleging that the article had been shipped in interstate commerce on or about September 18 and October 8, 1937, and February 14, 1938, from New York, N. Y., by Plexo Preparations, Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that the small-sized tablets contained aminopyrine (approximately 2 grains each) and caffeine; and that the large-sized tablets contained aminopyrine (approximately 5 grains each) and caffeine.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading since they created the impression that the article when taken as directed, was a safe medicament, whereas when taken as directed, it was not a safe, but was a dangerous medicament: (Tablet tins) "For Pains and Aches * * * Take one tablet, whole or crushed with a glass of water, at first indication of pain, if not relieved a second tablet should be taken"; (leaflets) "Myraphen contains, in easy-to-take tablet form, special ingredients which have been used for many years by physicians as an aid in relieving the discomforts of simple pains and aches, such as headache, neuralgia, neuritis, muscular aches and pains, due to colds or exposure. Toothache generally submits to the prompt influence of Myraphen. Myraphen is excellent as an aid in relieving the discomforts of functional pains during the menstrual periods. Myraphen is not a narcotic, is non-habit forming and causes no unpleasant after-effects, yet its action is quick and forceful. Take one tablet * * * If pain has not been relieved, a second tablet may be taken in two hours"; (on some leaflets) "A second tablet may be taken in fifteen minutes." Misbranding was alleged further in that the aforesaid statements were false and fraudulent since they created the impression that the article when used as directed, was a safe and appropriate medicament for the disease conditions mentioned; whereas when used as directed, it was a dangerous medicament.

On May 2 and May 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*