

The complaint alleged also that the defendant was well aware that his activities were violative of the Act; that he had been warned by a Notice of Hearing dated 7-27-53, and, in subsequent correspondence from the Food and Drug Administration, that the device was misbranded by the false and misleading statements in the accompanying labeling; and that despite such warnings, the defendant continued to introduce the misbranded device into interstate commerce.

**DISPOSITION:** 2-10-55. The defendant having consented, the court entered a decree of injunction perpetually enjoining the defendant from introducing into interstate commerce the *EE-Sterilizer device* or any other device of similar construction which was misbranded under 502 (a) or 502 (f) (1).

**4591. Super Zone device.** (F. D. C. Nos. 36542, 36544. S. Nos. 86-127/8 L.)

**QUANTITY:** 2 devices at Fort Collins, Colo.

**SHIPPED:** 11-14-52, from Los Angeles, Calif., by Super Zone Co.

**LABEL IN PART:** "Super Zone Co. Los Angeles, Calif. Model No. B Serial No. 123 [or "126"] 120 Volts 60 Cycles 2.0 Amperes."

**ACCOMPANYING LABELING:** Leaflet entitled "Connecting The Superzone Instrument."

**RESULTS OF INVESTIGATION:** In the operation of the device, oxygen was passed through the device, and the effluent gas, which included some ozone, produced by electrical discharge in the device, would leave the generating chamber through a hose attached to the applicator.

**LIBELED:** 5-4-54, Dist. Colo.

**CHARGE:** 502 (a)—the labeling of the device when shipped contained false and misleading representations that the device provided an adequate and effective treatment for infected sinus, asthma, sore throat, vaginitis, cervicitis, and internal hemorrhoids; and 502 (f) (1)—the labeling failed to bear adequate directions for use.

**DISPOSITION:** Theodore T. Josephson, t/a Super Zone Co., appeared as claimant. Pursuant to a stipulation entered into between the claimant and the United States attorney, the court, on 6-18-54, ordered that the action be removed to the United States District Court for the Northern District of California for trial.

On 7-23-54, the claimant filed an answer denying that the devices were misbranded as alleged. On 12-9-54, the claimant having filed a stipulation for the withdrawal of his claim and answer, the court entered a decree condemning the devices and ordering that they be permanently released to the custody of the Food and Drug Administration.

#### **DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH**

**4592. Pecan oil.** (Inj. No. 266.)

**COMPLAINT FOR INJUNCTION FILED:** 7-8-54, N. Dist. Tex., against three corporations, namely, the Planters Cotton Oil Co., Weatherford Oil Refining and Distributing Co., and J. R. Fleming & Co., Inc., of Weatherford, Tex., and James R. Fleming, president of the corporations.

**CHARGE:** The complaint alleged that the defendants were engaged in the business of manufacturing, preparing, and distributing *pecan oil*, and had been and were, at the time of the filing of the complaint, causing the introduction

and the delivery for introduction into interstate commerce of *pecan oil*, which was adulterated under 501 (a) (1) in that the article consists in part of filthy substances.

The complaint alleged that the *pecan oil* was manufactured from material which consisted of pecan meats, pecan shells, curculio larvae, coleoptera insects, floor sweepings, broom straws, cigarette butts, pieces of paper, and burnt matches, and that examination disclosed that the *pecan oil* contained a mixture of pecan oil, curculio larvae oil, and oil soluble extractives from insects, cigarette butts, and other extraneous material.

The complaint alleged also that the defendants had in their possession a quantity of adulterated *pecan oil* which would in the usual and ordinary course of business be shipped in interstate commerce. The complaint alleged further, on information and belief, that the defendants would continue to introduce and cause to be introduced and deliver and cause to be delivered into interstate commerce adulterated *pecan oil* unless restrained by the court.

The article was alleged also to be adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** On 7-8-54, the court entered a temporary restraining order enjoining the defendants from introducing or causing to be introduced or delivering or causing to be delivered, for introduction into interstate commerce, *pecan oil* adulterated as alleged in the complaint. On the same date, an order was entered directing the defendants to show cause why a preliminary injunction should not issue. On 7-16-54, with the consent of the defendants, a preliminary injunction was issued pending a hearing on the merits.

On 11-18-54, the defendants having consented in the entry of a decree, the court entered a decree perpetually enjoining and restraining the defendants from directly, or indirectly, introducing or causing to be introduced, or delivering or causing to be delivered, for introduction into interstate commerce, *pecan oil*, or any other such article which was adulterated as alleged in the complaint. The decree provided further that the defendants be perpetually enjoined and restrained from directly, or indirectly, introducing or causing to be introduced, or delivering or causing to be delivered, for introduction into interstate commerce, any stock on hand of *pecan oil* adulterated within the meaning of 402 (a) (3) and 501 (a) (1).

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

4593. Various drugs. (Inj. No. 260.)

**COMPLAINT FOR INJUNCTION FILED:** 3-19-53, S. Dist. Ill., against Schlicksup Drug Co., Inc., Peoria, Ill., to enjoin the interstate shipment of adulterated and misbranded drugs.

**CHARGE:** The complaint alleged that the defendant was engaged in manufacturing, selling, and introducing into interstate commerce various drugs which were adulterated within the meaning of 501 (c), and misbranded within the meaning of 502 (a).

The complaint alleged further that the adulterated and misbranded condition of the drugs resulted from deficiencies in the ingredients of the drugs and the presence of ingredients in amounts in excess of those declared on the label. For example, defendant's "Triple Sulfas Alkaline" labeled as con-

\*See also No. 4583.