

as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use since the label was printed entirely in the Spanish language; 502 (f) (1)—the labeling of the article failed to bear adequate directions for use, and the article was not entitled to any exemption from that requirement; and 503 (b) (4)—the article was subject to 503 (b) (1), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: 6-16-55. Default—destruction.

**4726. Ovary powder.** (F. D. C. No. 37634. S. No. 12-290 M.)

QUANTITY: 1 drum containing 1 lb., 6 4-oz. jars, and 2 1-lb. jars at Jersey City, N. J.

SHIPPED: 12-22-54, from New York, N. Y., by Desmo Chemical Corp.

LABEL IN PART: (Drum) "Net: 5 lbs. \* \* \* Ovarian Substance Powder N. F."; (jar) "Ovary Powder N. F. \* \* \* Scientific investigation has not demonstrated the presence of therapeutically useful constituents in this product \* \* \* Caution: Federal law prohibits dispensing without prescription."

RESULTS OF INVESTIGATION: The article in the jars was repacked by the consignee from the bulk drum.

LIBELED: 2-1-55, Dist. N. J.

CHARGE: 502 (a)—the labeling of the article (in bulk and as repacked), when shipped and while held for sale, contained false and misleading representations that the article was recognized in the National Formulary, an official compendium; 502 (f) (1)—the labeling of the article (in bulk and as repacked), when shipped and while held for sale, failed to bear adequate directions for use, and it was not entitled to any exemption from that requirement; and 503 (b) (4)—the label of the article (as repacked), while held for sale, bore the statement "Caution: Federal law prohibits dispensing without prescription," and the article was not one to which 503 (b) (1) applies.

DISPOSITION: 6-30-55. Default—destruction.

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

**4727. Liquid herbal drugs.** (F. D. C. No. 35576. S. Nos. 53-354/5 L, 53-460 L, 53-870 L, 63-141 L, 63-150 L, 63-314/5 L, 63-711/3 L.)

INDICTMENT RETURNED: 10-25-54, W. Dist. Ky., against Ples Griffin, La Center, Ky.

SHIPPED: Between 11-18-53 and 12-20-53, from Kentucky to Illinois, Missouri, and Tennessee.

CHARGE: 502 (b)—when shipped, the drugs failed to bear labels containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; 502 (e) (2)—the labels of the drugs failed to bear the common or usual name of each active ingredient; and 502 (f) (1)—the labeling of the drugs failed to bear adequate directions for use in the treatment of the diseases, symptoms, conditions, and purposes for which the drugs were prescribed, recommended, and suggested orally by the defendant, and in the cases of some drugs, the labeling failed also to reveal the conditions for which such drugs were to be used.

\*See also Nos. 4725, 4726.