day, with massage from 5 to 10 minutes followed with hot towels; that it was a "grand treatment" and great relief for chillblains, and that if the ointment seemed to irritate for several days, one should not become alarmed as that was the "nature of the ointment," together with a design showing "before" and "after," which representations and design were false and misleading, since they represented that the article was efficacious for the purposes recommended; whereas it was not efficacious for such purposes.

On June 3, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

172. Adulteration and alleged misbranding of special formula tablets. U. S. v. 10,980 Tablets Kamala. Default decree of condemnation and destruction. (F. D. C. No. 1860. Sample No. 66759–D.)

This veterinary remedy contained less kamala powder and less nicotine alkaloid than was declared on the label.

On April 24, 1940, the United States attorney for the District of Nebraska filed a libel against 10,980 Tablets Kamala at Clay Center, Nebr., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by the Shores Co., Inc., from Cedar Rapids, Iowa, and charging that it was adulterated and misbranded.

Adulteration was alleged in that the strength of said article differed from that which it purported or was represented to possess since each tablet was represented to contain 15 grains of kamala powder and 1¾ grains of nicotine alkaloid; whereas each tablet contained not more than 9.2 grains of kamala powder and not more than 1.08 grains of nicotine alkaloid.

It was alleged to be misbranded in that the representation in the labeling that each tablet contained 15 grains of kamala powder and 1¾ grains of nicotine alkaloid, was false and misleading since the tablets contained less amounts of kamala powder and nicotine alkaloid.

On June 28, 1940, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

173. Adulteration of IVC A B D G Capsules. U. S. v. 46,000 A B D G Capsules. Default decree of condemnation and destruction. (F. D. C. No. 1886. Sample No. 58345–D.)

This product contained fewer units of vitamins A, B_1, and D than it was represented to contain.

On April 26, 1940, the United States attorney for the Southern District of California filed a libel against 46,000 capsules at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about September 13, 1939, by the International Vitamin Corporation from Brooklyn, N. Y.; and charging that it was adulterated.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess in that it was represented to contain 50 International Units of vitamin B_1, 945 International Units of vitamin D, and 10,000 International Units of vitam A per capsule; whereas it contained not more than 25 International Units of vitamin B_1, not more than 800 International Units of vitamin D, and less than 10,000 International Units of vitamin A per capsule.

On June 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

174. Adulteration and misbranding of halibut liver oil capsules. U. S. v. 15 Dozen Packages of Halibut Liver Oil Capsules. Default decree of condemnation and destruction. (F. D. C. No. 1616. Sample No. 85923–D.)

This product was represented to consist of plain halibut liver oil, but consisted in part or other fish-liver oils.

On March 11, 1940, the United States attorney for the Southern District of New York filed a libel against 15 dozen packages, each containing 100 capsules, of halibut liver oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by the Gelatin Products Co. from Detroit, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Premo Halibut Liver Oil Capsules Plain."

Adulteration was alleged in that another fish-liver oil had been substituted wholly or in part for plain halibut liver oil.

It was alleged to be misbranded in that representations in the labeling that it consisted of halibut liver oil capsules plain and that it had been prepared

from fresh halibut livers biologically standardized, were false and misleading, since it was not halibut liver oil plain, but was a mixture of various fish-liver oils. It was alleged to be misbranded further in that it was offered for sale under the name of another drug.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS[2]

DRUGS ALSO FAILING TO BEAR REQUIRED INGREDIENT STATEMENT

175. Misbranding of San-Yak K-L-B Pills. U. S. v. 9 Bottles of Dr. Burnham's San-Yak K-L-B Pills. Default decree of condemnation and destruction. (F. D. C. No. 1817. Sample No. 5761-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Moreover, its label failed to bear a statement of the quantity of contents and also failed to bear a statement of the active ingredients contained in the product.

On April 20, 1940, the United States attorney for the Southern District of Indiana filed a libel against nine bottles of the above-named product at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by the Lee Chemical Co. from Birmingham, Mich.; and charging that it was misbranded.

Analysis showed that the article consisted chiefly of plant extractives including cinchona alkaloids, sandalwood, and emodin-bearing drugs; and magnesium, calcium, and iron salts.

The article was alleged to be misbranded in that its labeling bore representations that it would be efficacious to reduce sugar in the blood and urine, that it would be efficacious in frequent urination and for aches and pains in the back or joints and piles; that rheumatism, sugar in the blood, and high blood pressure are frequently caused by the improper functioning of the kidneys and liver, and that one pill taken daily would often be found beneficial in correcting these disorders; that it was an efficacious remedy for kidney, liver, and bladder disorders; that it had been used over 45 years by Dr. Burnham, a well-known specialist, who had devoted many years to the treatment of persons afflicted with kidney, liver and bladder disorders, which representations were false and misleading since the article was not efficacious for the purposes recommended. It was alleged to be misbranded further in that the representations in the labeling that each and all of the 15 ingredients used in the composition of the product were neither misbranded nor adulterated within the meaning of the pure food and drug act, was false and misleading. It was alleged to be misbranded further in that it was in package form and its label failed to bear a statement of the quantity of contents; and in that its label failed to bear a statement of the active ingredients contained in the preparation.

On June 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

176. Misbranding of Dr. Stover's Golden Oil. U. S. v. Six 2-Ounce Bottles and Six 6-Ounce Bottles of Dr. Stover's Golden Oil. Default decree of condemnation and destruction. (F. D. C. No. 2028. Sample No. 4929-E.)

This product contained a smaller proportion of chloroform than that declared, and its labeling bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On May 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against the above-named quantities of Dr. Stover's Golden Oil at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, by the Planet Products Co. from Orlando, Fla.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil, oil of turpentine, oil of mustard, and chloroform (0.88 minims per fluid ounce) together with a coloring material.

Misbranding was alleged in that the labeling of the article bore representations that it was an anti-pain remedy, would stop pain and colds instantly, that it would be efficacious to rub out all bodily aches, pains, lameness and swelling;

[2] See also N. J. Nos. 141–143, 150, 155, 160, and 171.