by the physician."; (2) in that its labeling failed to bear adequate directions for use; and (3) in that its labeling failed to bear adequate warnings against use where such use might be dangerous to health or against unsafe dosage or duration of administration in such manner and form as are necessary for the protection of users.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

549. Misbranding of Dr. Whitehall's Compound Tablets. U. S. v. 642 Boxes of Dr. Whitehall's Compound Tablets. Default decree of forfeiture and destruction. (F. D. C. No. 3681. Sample No. 38625–E.)

On or about January 17, 1941, the United States attorney for the Western District of Wisconsin filed a libel against 642 boxes of Dr. Whitehall's Compound Tablets at La Crosse, Wis., alleging that the article had been shipped on or about November 27 and December 3, 1940, by the Dr. Whitehall Megrimine Co. from South Bend, Ind; and charging that it was misbranded. It was labeled in part: (Box, carton, and circular) "For Mitigating the Distress and Discomfort of Minor Muscular Aches and Pains," and (circular only) "If you are subject to attacks on change of weather or exposure, one tablet taken in time will often prevent distress and discomfort."

Analysis of a sample of the article showed that it contained acetanilid, sodium salicylate, and plant material.

The article was alleged to be misbranded (1) in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, since when used in the dosage and with the frequency or duration prescribed, recommended, and suggested, such use might cause serious blood disturbances, anemia, collapse, and a dependence on the drug; (2) in that the labeling failed to bear adequate directions for use since it did not provide for a limit as to the duration or frequency of administration; (3) in that the labeling failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users; and (4) in that the labeling was false and misleading since it created the impression that the article constituted an appropriate treatment for the conditions described therein; whereas it was not a safe and appropriate remedy but was a dangerous drug, and the label failed to reveal the material fact that its use in accordance with the directions might cause serious blood disturbances, anemia, collapse, or a dependence on the drug.

On March 17, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

550. Adulteration and misbranding of Zerbst's Capsules. U. S. v. 139 Packages of Zerbst's Capsules [25-cent size] and 23 Packages of Zerbst's Capsules [50-cent size]. Default decree of condemnation and destruction. (F. D. C. No. 4970. Sample No. 60418–E.)

These products would be potentially dangerous to health when used according to directions and they failed to bear adequate directions for use and warning statements. The capsules in the 25-cent-sized packages contained more acetanilid than the amount stated on the label, and those in the 50-cent-sized packages bore false and misleading therapeutic claims and failed to bear the required ingredient and quantity of contents statements.

On June 24, 1941, the United States attorney for the District of Oregon filed a libel against the above-named products at Portland, Oreg., alleging that they had been shipped on or about January 20, 1941, by the Zerbst Pharmacal Co. from St. Joseph, Mo.; and charging that a portion were adulterated and misbranded and that the remainder were misbranded.

Analyses of samples of the capsules showed that those in the 25-cent packages contained acetanilid (1¼ grains per capsule), together with caffeine, resinous material, camphor, capsicum, aloin, and asafoetida; and that those in the 50-cent packages contained acetanilid (2⅛ grains per capsule), together with a laxative plant drug.

The capsules in the 25-cent packages were alleged to be adulterated in that their strength differed from that which they purported or were represented to possess, namely, "Each Capsule contains as active ingredients, Acetanilid 1 Grain"; whereas they contained materially more than 1 grain of acetanilid.

The capsules in the packages of both sizes were alleged to be misbranded: (1) In that they were dangerous to health when used according to the directions