qualities; whereas it derived its physiological activity principally from the ingredient phenolphthalein.

On March 28, 1941, the United States attorney for the Southern District of California filed an information against Eugene H. Hunter, trading as Floracube Co., Los Angeles, Calif., alleging shipment on or about March 9, 1940, from the State of California into the State of Arizona of quantities of Floracubes that were misbranded.

The article was alleged to be misbranded in that the statements "Floracubes * * * contain certain lubrication, bulk, alkaline, and germicidal qualities, and are non-irritating in action. May be used over a long period of time. * * * Floracubes * * * contain per average dose (1-6 box) less than 2 grains each of calcium carbonate, sodium bicarbonate, chlorides, podophyllum, magnesium, phenolphthalein, oil of juniper, boron, buchu, sodium benzoate, cascara, iron and dextrin. Also mineral oil and jelly, agar and celluloses, sugar, artificial color and flavor, combined with free oxygen, hydrogen and Ultra Violet. The above ingredients are combined with water under a special process to change their form and action to meet the requirements of Floracubes. * * * (Additional ingredients present, less 1 Gr.) Manganese, Aloin, nitrates, florides, sassafras, sulphates, calcium and silica," borne on the carton, were false and misleading since they represented that the article derived its physiological activity in important respects by reason of its lubrication, bulk, alkaline, and germicidal qualities; that it was nonirritating in action and might safely be used over a long period of time; and that it contained the ingredients listed in significant amounts and that these ingredients were combined with water under a special process which changed their form and action; whereas it derived its physiological activity practically, if not entirely, from the ingredient phenolphthalein, which is irritating; it was not germicidal, and could not be used over a long period of time without risk of injury; and it did not contain the ingredients listed in significant amounts, since it contained no appreciable amount, if any, of the ingredients iron, boron, manganese, fluorine, sodium bicarbonate, calcium as calcium carbonate, or sodium benzoate, and the ingredients were not combined with water under a special process which changed their form and action. It was alleged to be misbranded further in that it did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, nor an accurate statement of the quantity of the contents prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient, since the ingredients listed in the labeling were in large part inert and the list did not indicate that phenolphthalein was the only important active ingredient. It was alleged to be misbranded further in that its labeling failed to bear adequate directions for use, and such 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, in such manner and form as are necessary for the protection of users, since the labeling did not inform purchasers that the use of the article in cases of abdominal pain, nausea, vomiting, or other symptoms of appendicitis might result in serious injury, and that frequent or continuous use might result in dependence upon laxatives.

On August 25, 1941, the defendant entered a plea of nolo contendere, and the court ordered that imposition of sentence be suspended and that the defendant be placed on probation for a period of 5 years.

553. Misbranding of Mackenzie Cold and Grippe Tablets. U. S. v. 100 Packages of Mackenzie Cold and Grippe Tablets. Default decree of condemnation and destruction. (F. D. C. No. 4876. Sample No. 60255–E.)

These tablets had been repackaged after shipment and after such repackaging, in addition to failure to bear adequate warning statements, the labeling bore false and misleading statements regarding their therapeutic efficacy and the amount of acetanilid that they contained. The tablets also were deceptively packaged since approximately 30 percent of the upper space in the carton was empty.

On June 10, 1941, the United States attorney for the Western District of Washington filed a libel against the above-named product at Seattle, Wash., alleging that it had been shipped on or about March 19, 1941, by C. E. Jamieson & Co. from Detroit, Mich., and that subsequently it had been repackaged by Guy, Inc., at Seattle, Wash.; and charging that it was misbranded.

Analyses of samples of the article showed that it consisted essentially of acetanilid (0.94 grain per tablet), caffeine, aloin, atropine sulfate, and capsicum.

The article was alleged to be misbranded: (1) In that its labeling failed to bear such adequate warnings as are necessary for the protection of users, against use in those pathological conditions or by children, where its use might be dangerous to health, since it might be dangerous to health when used by persons suffering from nausea, vomiting, abdominal pain, or other symptoms of appendicitis, or by children; and in that the labeling failed to bear adequate warnings against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users, since frequent or continued use of this acetanilid-containing preparation might cause serious blood disturbances, anemia, or collapse, and since its use might result in dependence on a laxative. (2) In that the statements on the label, "Cold and Grippe Tablets Excellent for a feverish condition, coryza, hay fever, rhinitis, grippe, aching muscles, colds, influenza * * * acetanilid 2 gr.," were false and misleading since it was not an adequate treatment for the conditions named and since each tablet did not contain 2 grains of acetanilid. (3) In that its package container was so filled as to be misleading since the bottle was materially shorter than the package [carton].

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

554. Misbranding of "Doctor's Daughter" Tablets (and Dr. Wilbur's Laxative Tablets). U. S. v. 5½ Dozen Packages of "Doctor's Daughter" Tablets. Default decree of condemnation and destruction. (F. D. C. No. 4779. Sample No. 56820–E.)

Each package of this product contained 50 white tablets wrapped in wax paper and an envelope labeled "Dr. Wilbur's Laxative Tablets," which contained 25 pink tablets. The labeling, in addition to failure to bear adequate warning statements, also failed to bear the required ingredient and quantity of contents statements.

On May 16, 1941, the United States attorney for the Southern District of New York filed a libel against 5½ dozen packages of "Doctor's Daughter" Tablets at New York, N. Y., alleging that the article had been shipped by Dr. John Wilbur Daughter Co. from Westerly, R. I., on or about April 16, 1941; and charging that it was misbranded.

Analyses of samples showed that the white tablets consisted essentially of calcium carbonate, sodium carbonate, and sodium bicarbonate; and that the pink tablets consisted essentially of belladonna alkaloids including atropine, and laxative plant drugs.

The article was alleged to be misbranded: (1) 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, since the labeling did not warn that frequent or continued use might result in dependence upon laxatives and that the article should not be taken when suffering from nausea, vomiting, abdominal pain, or other symptoms of appendicitis. (2) In that the carton label did not bear the common or usual names of the active ingredients nor a statement of the quantity or proportion of belladonna alkaloids contained in the laxative tablets. (3) In that the envelope containing the laxative tablets did not bear a statement of the quantity or proportion of belladonna alkaloids nor did it bear the common or usual names of all the active ingredients, since "Exl" and "phodophyllui" did not inform that extract and podophyllum were meant. (4) In that the carton label did not bear an accurate statement of the quantity of contents, since no reference was made to the envelope containing the 25 laxative tablets.

On July 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

555. Misbranding of Starr's Wonderful M. L. & K. Pills. U. S. v. 8 Dozen Packages of Starr's Wonderful M. L. & K. Pills. Default decree of condemnation and destruction. (F. D. C. No. 4877. Sample No. 31996–E.)

The label of this product, in addition to failure to bear adequate directions for use and warning statements, also failed to bear the required ingredient and quantity of contents statements. Furthermore, the label bore false and misleading therapeutic claims.

On June 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against the above-named product at Chicago, Ill., alleging