entered a plea of guilty. The defendant Anne M. Jenks, having entered a plea of not guilty, the charges against her were tried to the court. The Government produced no witnesses but evidence was introduced by and on behalf of the defendants. Judgment was entered by the court finding Anne M. Jenks guilty. The court thereupon imposed a fine of $500 against W. S. Jenks and a fine of $250 against Anne M. Jenks. No evidence of any violation of the law by the defendant C. H. Jenks having been introduced, the action against him was dismissed.

753. Misbranding of intrauterine paste. U. S. v. 22 Tubes of Intrauterine Paste (and 9 other seizure actions against intrauterine paste). Default decrees of condemnation and destruction. (F. D. C. Nos. 6564, 6567, 6571, 6574, 6579, 6580, 6590, 6613, 6690, 6745. Sample Nos. 16897–E, 16898–E, 22398–E, 23114–E, 48990–E, 48991–E, 71514–E, 84674–E, 90131–E.)

Between December 26, 1941, and January 22, 1942, the United States attorneys for the Southern District of New York, Western District of Missouri, District of Massachusetts, Northern District of Georgia, and the Northern District of California filed libels against 22 tubes of intrauterine paste at New York, N. Y.; 49 cartons, each containing 1 tube of intrauterine paste at Kansas City, Mo.; 13 tubes at Chillicothe, Mo.; 33 tubes at Medford, Mass.; 27 tubes at Atlanta, Ga.; and 36 tubes at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about September 28, 1941, to on or about January 2, 1942, in part under the name Dependon Products from St. Paul, Minn., and in part under the name Jenks Physicians' Supplies from White Bear Lake, Minn.; and charging that it was misbranded.

The article was alleged to be misbranded in that it would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, or suggested in the labeling. It was alleged to be misbranded further in that the statement "Intrauterine Paste," borne on the labels, represented and suggested that it would be safe and appropriate for introduction into the uterine cavity; whereas it was not safe or appropriate for introduction into the uterine cavity, but was unsafe and dangerous and was capable of producing serious and even fatal consequences.

On February 27 and 28 and September 28, 1942, no claimant having appeared for the seizures at New York, Kansas City, and Chillicothe, and one of the seizures (involving 6 tubes) at San Francisco, Calif., judgments of condemnation were entered and the product was ordered destroyed in each instance, with the exception of the lot seized at New York, N. Y., which was ordered delivered to the Food and Drug Administration.

On March 12, 1942, Anne M. Jenks, trading as Dependon Products and Jenks Physicians' Supplies, having entered an appearance in the district court for the District of Massachusetts and stipulations having been entered between the claimant and the United States attorney for consolidation of the cases instituted in the District of Massachusetts, the Northern District of Georgia, and the seizure of 30 tubes of Dependon Paste at San Francisco, Calif., and the removal of the cases to the Western District of Wisconsin, the court ordered the consolidation and transfer of said cases as stipulated.

On April 1, 1943, no claim or answer having been filed and the intervener having stipulated that the appearance of counsel be withdrawn and that further proceedings should be had as upon default, judgments of condemnation were entered and the product was ordered delivered to the Food and Drug Administration.

754. Misbranding of Luebert's preparations. U. S. v. 4¾ Dozen Boxes of Luebert's (Nox'em Brand) Iron Tonic Compound Tablets, 2¾ Dozen Boxes of Luebert's Ka-No-Mor Capsules, and 2⅔ Dozen Boxes of Luebert's Noxem Brand Tablets and Capsules (Combined). Default decree of condemnation and destruction. (F. D. C. No. 6837. Sample Nos. 54634–E to 54636–E, incl.)

This case was based upon the following violations: Drugs containing acetanilid and dangerous to health when used with the frequency and duration recommended in the labeling—Ka-No-Mor Capsules and Noxem Brand Tablets and Capsules (Combined); labeling failing to bear adequate warning statements and containing false and misleading therapeutic claims—all three products; failure to bear adequate directions for use—Ka-No-Mor Capsules; failure to bear satisfactory active ingredient statements—Iron Tonic Compound Tablets and Noxem Brand Tablets and Capsules (Combined); and inconspicuousness of warning statement—Ka-No-Mor Capsules.