

treatment for any form of such infections, but was essentially a laxative; and (2) in that its labeling failed to bear adequate directions for use since the directions appearing in the labeling "2 tablets about 2 hours after Breakfast and 2 tablets at Bedtime" represented and suggested that the article be taken repeatedly, whereas a laxative should not be directed to be taken repeatedly and such representation and suggestion was not corrected by the label statement "To avoid the 'laxative habit' do not take continuously."

On March 29, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**956. Misbranding of My Prescription, and Pink-etts. U. S. v. 23 Packages of My Prescription. Default decree of condemnation and destruction. (F. D. C. No. 8863. Sample No. 19021-F.)**

On November 16, 1942, the United States attorney for the District of New Jersey filed a libel against 23 packages, each package containing a bottle of liquid labeled in part "My Prescription" and an envelope containing 3 pills labeled in part "Pink-etts," at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about October 27, 1942, from Honesdale, Pa., by F. X. Crockenberg; and charging that they were misbranded.

Examination of samples of the articles showed that the "My Prescription" consisted essentially of bismuth and ammonium compounds, including citrates, sugar, gum, ginger, and water, and that the "Pink-etts" contained a laxative plant drug.

The articles were alleged to be misbranded in that the statements appearing in their labeling, (carton and bottle label) "For Your Stomach A Remedy For Stomach Ills \* \* \* Corrective and Digestant, used in the treatment of Gastric and Duodenal Ulcers," (labels for Pink-etts) "For \* \* \* Liver Trouble, Etc.," (circular) "Stomach Disorders and Their Causes Gastric and Duodenal Ulcers Gastritis Indigestion Gas Pains and all Stomach Disorders 'My Prescription' has been successfully used by hundreds of users. \* \* \* We recommend the use of at least three bottles for permanent relief. \* \* \* The story on the following pages gives you some idea as to the symptoms of stomach disorders and how they are treated. In taking 'My Prescription' all that is necessary is to avoid the things that you know are harmful, in order to give the medicine a quicker and better action," and other circular statements discussing stomach ulcer, were false and misleading since such statements represented and suggested that "My Prescription" was effective in the treatment of diseases of the stomach, and that the "Pink-etts Pills" were effective in the treatment of liver trouble and various conditions included in the designation "etc", whereas the articles were not effective for such purposes.

Further misbranding was alleged in that both products were drugs in package form and their labels failed to bear accurate statements of the quantity of the contents contained therein; and in that the "Pink-etts" were fabricated from two or more ingredients and the label failed to bear the common or usual name of each active ingredient, and in that the labeling failed to bear such adequate warnings against use of the article in those pathological conditions wherein its use might be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form as are necessary for the protection of users, since the article was a laxative and its labeling failed to warn that a laxative should not be taken in case of nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and that frequent or continued use might result in dependence upon laxatives to move the bowels.

On January 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**957. Misbranding of Natur-Pep. U. S. v. 80 Bottles of Natur-Pep. Decree of destruction. (F. D. C. No. 8688. Sample No. 2642-F.)**

Examination showed that the article consisted essentially of Epsom salt (30.9 percent), water, small amounts of iron phosphate, sodium and potassium compounds, methenamine, a salicylate, and extracts of plant drugs including a laxative plant drug.

On or about November 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 80 bottles of Natur-Pep at Kansas City, Mo., alleging that the article had been shipped in interstate commerce from Kansas City, Kans., by the Curts-Folse Laboratories; and charging that it was misbranded.

The article was alleged to be misbranded in that certain statements appearing in its labeling which represented and suggested that the article was not habit-forming, gave "pep," was effective in the treatment of stomach, liver, kidney, blood, nerve, and intestinal disorders, and was effective in the treatment of constipation, swollen limbs, and indigestion, were false and misleading since the article was capable of causing laxative-habit formation, did not give "pep," and was not effective in the treatment of the disorders and conditions above-described; and in that the statement appearing in its labeling, "Natur-Pep Tonic Is Prepared From Ingredients of Recognized Medicinal Value: Extract Cascara Sagrada, Iron Pyrophosphate, Strontium Salicylate, Oleum Coriander, Methyl Salicylate, Extract Gentian, Alcohol ½%, Hexamethylenamine, Extract Glycyrrhiza, Magnesium Sulphate, Potassium Acetate, Sodium Salicylate, Oleum Anise, Glycerine," was misleading since such statement created the impression that the article provided significant quantities of all the ingredients named, whereas it did not provide significant quantities of such ingredients, but was essentially an Epsom salt laxative. It was alleged to be misbranded further in that its labeling failed to bear adequate directions for use since the article was a laxative and the directions which appeared in the labeling provided for continuous administration, whereas a laxative should not be used continuously; and in that the labeling failed to bear adequate warnings against use in those pathological conditions wherein its use might be dangerous to health, or adequate warnings against unsafe methods and duration of administration, in such manner and form as are necessary for the protection of users, since the labeling failed to bear a warning that a laxative should not be taken in case of nausea, vomiting, abdominal pain, or other symptoms of appendicitis, and that frequent or continued use might result in dependence upon a laxative to move the bowels.

On December 16, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**958. Misbranding of Ramazzotti. U. S. v. 3 Cases of Ramazzotti. Consent decree of condemnation. Product ordered released under bond for relabeling.**  
(F. D. C. No. 8615. Sample Nos. 17361-F, 18845-F.)

On or about October 22, 1942, the United States attorney for the District of Connecticut filed a libel against 3 cases, each containing 24 bottles, of Ramazzotti at Stamford, Conn., alleging that the article had been shipped in interstate commerce on or about July 24, 1942, by the Banfi Products Corporation from New York, N. Y.; and charging that it was misbranded.

Examination showed that the article contained extracts of plant drugs, including a laxative drug such as rhubarb, and 38.2 percent of alcohol.

The article was alleged to be misbranded in that the statement "originated by FLLI. RAMAZZOTTI, MILANO, ITALY" and various other statements in the Italian language, together with designs including the Papal seal and the State seal of Italy, appearing in the labeling, were false and misleading since they created the impression that the article was prepared in Milan, Italy, whereas it was manufactured in New York, N. Y.

The article was alleged to be misbranded further (1) in that the statements on the bottle label, "FAMOUS SINCE 1815," and on the bottle wrapper, "Used throughout the World since 1815," were false and misleading since the article had not been produced and marketed over the period since 1815; (2) in that the name of each active ingredient, including the name and quantity or proportion of alcohol contained in the article, required by law to be declared on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, and devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the names of the active ingredients and the quantity or proportion of alcohol did not appear on the bottle wrapper and did not appear in the Italian language in any of the labeling; and (3) in that its labeling failed to bear adequate directions for use since the directions in English, "Dose: ½ to 1 oz. taken straight, in black coffee, or hot lemonade before or after meals, upon retiring or any time during the day," and the directions in Italian "puro e misto all'acqua, al seltz, alle acque minerali, al Vermouth e col caffè" (translation: "pure and mixed with water, seltzer, with mineral waters, with Vermouth and with coffee"), did not provide for a definite amount of frequency or duration of administration, but were indefinite and therefore not adequate.