

**1005. Misbranding of Pro-Nausea. U. S. v. 34 Bottles of Pro-Nausea. Decrees of condemnation and destruction. (F. D. C. No. 9553. Sample No. 35117-F.)**

On March 29, 1943, the United States attorney for the Middle District of Alabama filed a libel against 34 bottles of Pro-Nausea at Phenix City, Ala., alleging that the article has been shipped in interstate commerce on or about January 28, 1943, from Griffin, Ga., by Dr. Thomas D. Thurmond; and charging that it was misbranded in violation of Sections 502 (a), 502 (e) (2), and 502 (j) of the Federal Food, Drug, and Cosmetic Act.

Examination showed that the article consisted essentially of sodium bromide, 110 grains per fluid ounce, and water.

The foregoing misbranding charges were based on the following recommendations made by the Federal Security Agency: Section 502 (j), that the article was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, "Dose for Adult:—One table spoonful. Take one table spoonful of water after each dose. PRO-NAUSEA Relieves Vomiting During Pregnancy. Dose:—One table spoonful 30 minutes before meals. Take one table spoonful of water after each dose," since such directions provided for the taking of an excessive quantity of sodium bromide; Section 502 (a), that the following statements appearing on the label: "PRO-NAUSEA \* \* \* Nonpoisonous Remedy for Sick Stomach Sick Headache Sea Sickness Nausea Following X-Ray Treatment \* \* \* PRO-NAUSEA Relieves Vomiting During Pregnancy," were false and misleading since such statements represented and suggested that the article was a safe and effective treatment for the conditions described, whereas it was not a safe and effective treatment for such conditions, and was a dangerous drug; and Section 502 (e) (2), that it was fabricated from two or more ingredients and its label failed to bear a statement of the quantity or proportion of sodium bromide contained therein.

On June 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS\***

**1006. Action to enjoin and restrain interstate shipments of Mrs. Price's Specially Prepared Package of Boric Acid. U. S. v. Metta T. Price (Price Compound Co.) Permanent injunction granted. (Inj. No. 57.)**

On June 21, 1943, the United States attorney for the District of Minnesota filed a complaint for the purpose of enjoining Metta T. Price, doing business as the Price Compound Co., Minneapolis, Minn., from the sale and distribution of chemical preservatives offered for use in home canning and food preservation, alleging, among other things:

That, since about the year 1937, the defendant had been engaged in the sale and distribution in interstate commerce of a product known as "Mrs. Price's Specially Prepared Package of Boric Acid," which upon examination was found to consist of 100 percent boric acid.

That, commencing on or about September 23, 1942, and again about the middle of May 1943, the product was the subject of numerous libel actions in various Federal judicial districts throughout the United States, and that the article so shipped was misbranded (1) in that the statements in the labeling which represented, suggested, and engendered the impression in the minds of the readers that the product, when used as directed in the canning of vegetables, fruits, pickles, and preserves, was safe and appropriate for such use, and would effect proper sterilization, conservation, and preservation of home-canned foods, were false and misleading, since it was potentially dangerous to the health of the consumer and would not insure proper sterilization, conservation, and preservation of home-canned foods; (2) the statements in the labeling admonishing the home canner to sterilize jars, and particularly the rubber rings, by boiling for 15 to 20 minutes were misleading, since these directions for sterilization are inadequate where heat-resistant, spore-forming bacteria are present; (3) in that the statement in the labeling, "Wash thoroughly as the most dangerous and the most difficult bacteria to destroy are in the soil," was misleading, since it represented and suggested that the thorough washing of vegetables would eliminate the most dangerous and difficult bacteria to destroy, whereas such washing would not insure that effect; (4) in that the statements in the labeling, "If the foregoing directions are followed and you have used good, fresh vegetables or fruits and the amount of compound directed, you will have no trouble in securing the best

\*See also Nos. 1002, 1003.