

results. You may ask why we are so particular to have the cans perfectly tight. The reason is that we wish you to do all you can mechanically to keep the goods, and then by the use of the compound, get a perfect result that neither one alone would secure," were false and misleading in that they represented and suggested that the use of the article according to directions would assure the perfect and best results in home canning, whereas the perfect and best results cannot be obtained by such use, since heat-resistant, spore-forming bacteria, capable of producing spoilage and toxins dangerous to health, would not be destroyed; and, (5) in that its labeling failed to bear adequate directions for use.

On June 28, 1943, the court entered its findings of fact and conclusions of law and order for permanent injunction, and on the same date judgment was entered enjoining the defendant, her employees, agents, distributors, attorneys, assigns, and any and all persons acting in concert with her, from introducing or delivering for introduction, or causing the introduction or delivery for introduction, into interstate commerce, of Mrs. Price's Specially Prepared Package of Boric Acid, or any similar article containing boric acid for any purpose in violation of the Federal Food, Drug and Cosmetic Act.

The product was also alleged to be misbranded under the provisions of the law applicable to foods, reported in food notices of judgment No. 5759, in which also appear the court's findings of fact and conclusions of law with respect to the product and two other products, Mrs. Price's Compound and Price's No-Ice.

1007. Misbranding of Chu-man-ie's Regular "Triple XXX" Herb and Iron Mensal Medicine. U. S. v. Charles Roehm (Chumanie Medicine Co.). Plea of not guilty. Tried to a jury. Verdict of guilty. Sentence of 6 months in jail suspended and defendant placed on probation for 1 year. (F. D. C. No. 7723. Sample No. 59725-E.)

On December 10, 1942, the United States attorney for the Eastern District of Michigan filed an information against Charles Roehm, trading as the Chumanie Medicine Co. at New Richmond, Ohio, and Detroit, Mich., alleging shipment on or about January 12, 1942, from the State of Michigan into the State of Maryland of a quantity of the above-named product.

Analysis of the article showed that it was in the form of tablets which contained ferrous sulfate and plant material, including aloe.

The article was alleged to be misbranded in that the statements in its labeling which represented and suggested that it would be efficacious as a mensal medicine, and would be efficacious in the treatment of amenorrhea (suppressed menstruation), oligomenorrhea (scanty or infrequent menstruation), and dysmenorrhea (difficult or painful menstruation), were false and misleading since the article would not be so efficacious. It was alleged to be misbranded further in that its labeling did not bear adequate directions for use, since it was a laxative and should not be used continuously, and the labeling failed to warn against continuous use of the article.

On December 7, 1943, the case came on for trial, and at its conclusion on December 9, 1943, the jury returned a verdict of guilty. The court imposed a sentence of 6 months in jail, but suspended the sentence and placed the defendant on probation for 1 year, specifying as a part of the probation that he was not to prepare or market the above-named product until he had submitted an acceptable label to the Food and Drug Administration.

1008. Misbranding of Dye's Compound Tablets and Dye's Laxative Pellets. U. S. v. Clara A. Skey (Dr. J. H. Dye Medical Co.). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 6456. Sample Nos. 7673-E, 7674-E, 11173-E, 11174-E.)

On May 25, 1942, the United States attorney for the Western District of New York filed an information against Clara A. Skey, trading as the Dr. J. H. Dye Medical Co., Buffalo, N. Y., alleging shipment on or about January 17, and March 12 and 31, 1941, from the State of New York into the States of California and Texas of quantities of the above-named products which were misbranded.

Analyses showed that Dye's Compound Tablets consisted essentially of extracts of plant drugs including black haw and an alkaloid-bearing drug, and that Dye's Laxative Pellets consisted essentially of extracts of plant drugs including aoin, podophyllin, and Hydrastis.

The Dye's Compound Tablets were alleged to be misbranded in that the statements appearing in their labeling which represented and suggested that they would be efficacious in reducing the distressing symptoms of functional dysmenorrhea; that they would help build up physical resistance and tend to reduce minor nervous conditions due to functional painful menstruation; that they would be efficacious to increase the appetite and resistance; that they would be efficacious in