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 aloin, 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 symtoms 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

the alleviation of painful symptoms of certain female functional irregularities, and were particularly indicated for this purpose for the woman of mature age; that they would be efficacious in reducing the annoying and sometimes painful symptoms of change of life; that they would be efficacious in the treatment of headache or general nervousness during menstrual periods; that they would aid the digestion and strengthen the young woman at the time of puberty; that they would be efficacious in the treatment of nervous irritability, headache, backache, nausea, debility, and rings under the eyes; that they would give the young mother more appetite and assist her in obtaining more nourishment from the food eaten, and alleviate nervousness and weakness, and the tendency to tire easily; that they would be efficacious to bring the joy of motherhood to women; that they would be efficacious in the treatment of irritability, nervousness, melancholia, hysteria, loss of sleep, and peculiar pains in various parts of the body during or preceding change of life; that they would be efficacious in the cure, mitigation, treatment, or prevention of amenorrhea (absence of the menstrual periods or scantiness of the flow for no apparent reason), dysmenorrhea (difficult or painful menstruation), menorrhagia (excessive or abundant menstruation), metritis (inflammation of the matrix), and ovaritis (inflammation of the ovaries); that they would be efficacious to make women more attractive; and that they would develop personal magnetism, prevent loss of vitality, and bring about a feeling of vigor and animation, were false and misleading since the tables were not efficacious for such purposes and would not accomplish the results claimed.

The Laxative Pellets were alleged to be misbranded (1) in that the statements appearing in their labeling which represented and suggested that they would be efficacious in relieving headaches, coated tongue, bad breath, aggravated pimply skin, lassitude, and indigestion were false and misleading since the tablets would not be efficacious in relieving such conditions; (2) in that their labeling did not bear adequate directions for use, since the directions for use displayed in the labeling were indefinite and did not limit the duration of use of the tablets; and, (3) in that the labeling did not bear such adequate warnings against use in those pathological conditions wherein their use might be dangerous to health, or against unsafe duration of administration, in such manner and form as are necessary for the protection of users, since the tablets were a laxative and their labeling did not bear a warning that they should not be used when the symptoms of appendicitis, such as nausea, vomiting, and abdominal pain, were present, and that frequent or continued use of the tablets might result in dependence on laxatives.

On October 4, 1943, the defendant entered a plea of nolo contendere, and on October 25, 1943, the court imposed a fine of $150.

1009. Misbranding of McMillan's Nomoppin and Demytin, and adulteration and misbranding of effervescent solution of citrate of magnesia. U. S. v. William Cicero McMillan (McMillan Drug Co.). Plea of guilty. Fine, $1. (F. D. C. Nos. 5486, 10584. Sample Nos. 254–E, 20499–E, 20925–E, 35609–F.)

The products "Nomoppin" and "Demytin" were misbranded because of false and misleading curative and therapeutic claims in the labeling, and the effervescent solution of citrate of magnesia was adulterated and misbranded because of failure to conform with the Pharmacopoeia requirements, and because the labeling failed to bear such adequate warnings as are necessary for the protection of users.

On September 9 and November 3, 1943, the United States attorney for the Eastern District of South Carolina filed two informations against William Cicero McMillan, trading as the McMillan Drug Co. at Columbia, S. C., alleging shipment within the period from on or about September 10 and 24, 1940, March 3, 1941, and August 24, 1943, from the State of South Carolina into the State of Georgia of quantities of McMillan's Nomoppin and McMillan's Demytin which were misbranded, and of a quantity of effervescent solution of citrate of magnesia which was adulterated and misbranded.

Analysis of a sample of the "Nomoppin" showed that it consisted essentially of potassium arsenite containing 2.01 grams of arsenic trioxide per 100 cc., and water. Analysis of samples of "Demytin" showed that it consisted essentially of calcium thiosulfate, calcium polysulfide, and water.

The Nomoppin was alleged to be misbranded in that representations on the bottle label and in the accompanying circular to the effect that it would be efficacious as a remedy, cure, or preventative for chicken sorehead (chicken pox); that it would be efficacious to aid egg production, hasten molting, and brighten plumage; that it would prevent loss of flesh and vigor from sorehead; that it was an internal remedy which would be efficacious in the treatment of sorehead with-