

The absorbent cotton was alleged to be misbranded in that the statements appearing in the labeling of the Atlanta lot, "U. S. P. Standard Sterilized," and in the labeling of the other lots, "Absorbent Cotton U. S. P. Standard Sterilized," were false and misleading.

The gauze bandages were alleged to be misbranded in that the statements appearing in the labeling of the lot at San Antonio, "Sterilized * * * The bandage in this package was sterilized during manufacture and sterilized again after packaging. * * * Esterilizada," and substantially similar statements in the labeling of the lot at Los Angeles, were false and misleading.

On March 31 and August 4, 1943, the Seamless Rubber Co. having appeared as claimant for the Columbus and San Antonio lots, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law. Between January 19 and February 27, 1943, no claimant having appeared for the other lots, judgments of condemnation were entered and it was ordered that the Atlanta lot be sterilized and sold; that the Los Angeles lot be delivered to a local chapter of the Red Cross; and that the Toledo lot be destroyed.

1116. Defective prophylactics. U. S. v. 900 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 10279. Sample No. 45459-F.)

On July 19, 1943, the United States attorney for the Southern District of New York filed a libel against 900 gross of rubber prophylactics at New York, N. Y., alleging that the article had been shipped on or about June 3 and 10, 1943, from East Newark, N. J., by the Ardell Razor Blade Co.; that the article was defective in that it contained holes; and that it was subject to seizure and condemnation. The article was labeled in part: "Silver-Town," or "Clipper Made from Liquid Latex."

On August 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1117. Adulteration of prophylactics. U. S. v. 50 Gross and 50 Gross of Rubber Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 10311, 10327. Sample Nos. 1757-F, 1759-F.)

On July 27 and 30, 1943, the United States attorney for the Northern District of Illinois filed libels against 100 gross of prophylactics at Chicago, Ill., alleging that the article had been shipped by Trutex Products, Inc., from Cleveland, Ohio, on July 13 and 14, 1943; and charging that it was adulterated.

Examination of samples disclosed that between 9 and 22 percent were defective in that they contained holes.

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

On September 16 and 17, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1118. Misbranding of Via-Min. U. S. v. Albert Hassman (Universal Products Co.). Plea of guilty. Fine, \$500 and costs. (F. D. C. No. 8789. Sample Nos. 90166-E, 90167-E.)

On March 20, 1943, the United States attorney for the Northern District of Ohio filed an information against Albert Hassman, trading as the Universal Products Co., Cleveland, Ohio, alleging that on or about March 7 and 9, 1942, the defendant shipped to his agents or demonstrators at Boston, Mass., certain quantities of Via-Min; that on or about March 4, 1942, the defendant shipped a number of printed circulars; that the printed circulars had been prepared by the defendant for the purpose of furthering the sale of Via-Min; and that, while the shipment of March 7, 1942, was held for sale after shipment in interstate commerce, the defendant caused the agents and demonstrators to place the circulars together with and displayed with such shipment, as a result of which they became associated with and accompanied the article.

Analysis showed that the article was a clear, light brown liquid consisting of water with dissolved mineral constituents.

* See also Nos. 1101, 1102, 1104-1111, 1114, 1115.

Misbranding was alleged in that the statements appearing on the labels of the bottles containing the article, "Ingredients: Grains per gallon. Specific Gravity 1.049; Ferric Sulphate 1752; Aluminum Sulphate 29; Calcium Sulphate 79; Magnesium Sulphate 409; Sodium Phosphate 70 * * * Total Solids 4,413," were false and misleading since the specific gravity of the article varied between 1.018 and 1.027, and the article contained per gallon not less than 955 grains of aluminum sulfate and not more than 1,682 grains of ferric sulfate, 25 grains of calcium sulfate, 193 grains of magnesium sulfate, and 2,239 grains of total solids, and, in one portion, not more than 17 grains of sodium phosphate. It was alleged to be misbranded further in that the statement "used on minor Sores and Cuts," borne on the bottle label, was false and misleading, since that statement represented and suggested that the article would be efficacious in the treatment of minor sores and cuts, whereas it would not be so efficacious.

It was also alleged, with respect to the shipment of March 7, 1942, that the lot, when accompanied by the circulars, was further misbranded because of false and misleading statements in the circular which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of acidosis, acne, eczema, muddy skin, pimples, anemia, malnutrition, underweight, arthritis, rheumatism, gout, asthma, auto-intoxication, biliousness, high blood pressure, boils, Bright's disease, bronchitis, colds, sinus trouble, catarrh, constipation, diabetes, failing eyesight, cataract, falling hair, thin, hard, brittle finger nails, gall bladder disorders, gallstones, jaundice, goiter, hardening of the arteries, hay fever, stiffness of the joints, leucorrhoea, low vitality, lack of endurance, lack of pep, nervousness, sciatic rheumatism, neuralgia, neuritis, nerve exhaustion, obesity, enlarged prostate gland, poor circulation, sexual indifference, tooth decay, spongy gums that bleed easily, tuberculosis of the lungs, and undernourishment of children; that the article would build and maintain the bones, teeth, and tendons, counteract acidity, heal wounds, and aid vitality and endurance; that it would be efficacious in the cure, mitigation, treatment, or prevention of tuberculosis, rickets, pyorrhea, heart disease, painful menstruation, excessive bleeding and hemorrhages, anemia, asthma, circulatory diseases, female disorders, nerve exhaustion, and indigestion; that it would be efficacious in building and nourishing the brain, nerves, and bones, and aid in strengthening the mental power; that it would counteract acidosis, purify the blood by eliminating carbon dioxide, and dissolve hard deposits in the joints; that it would be efficacious in the treatment of halitosis and to purify the system; that it would aid in keeping the hair, skin, and sex organs in a healthy condition, and would intensify the emotions; that it would be efficacious as a nerve sedative; that it would vitalize the lungs, neutralize acid waste materials, and supply energy and vitality; that it would be efficacious in producing glossy hair, hard teeth, keen hearing, and sparkling eyes; and that it would aid greatly in recovery from disease or injury.

On October 1, 1943, the defendant entered a plea of guilty and was fined \$500 and assessed costs in the amount of \$28.31.

1119. Misbranding of Dwarfies Wheatmix and wheat germ. U. S. v. Dwarfies Corporation. Plea of guilty. Fine, \$225 and costs. (F. D. C. No. 10553. Sample Nos. 3130-F, 3226-F, 3227-F.)

On December 30, 1943, the United States attorney for the Southern District of Iowa filed an information against the Dwarfies Corporation, Council Bluffs, Iowa, alleging shipment on or about September 30, 1942, and January 29, 1943, from the State of Iowa into the State of Nebraska of quantities of Wheatmix and wheat germ which were misbranded. The articles were labeled in part: "Dwarfies Wheatmix," or "Dwarfies Toasted Wheat Germ."

The Wheatmix was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it would make the consumer healthy and energetic and would maintain body health and energy; that it would give the consumer sound nerves and a good appetite; that it would insure proper growth and elimination; and that it would be efficacious in the cure, mitigation, treatment, or prevention of minor ailments and serious sickness, were false and misleading since the article would not be efficacious for the purposes recommended or accomplish the results claimed.

The wheat germ was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of nerve and digestive ailments; that it would be efficacious to improve morale; that it would make the user regular and improve his disposition; that it would be efficacious in the prevention or treatment of pellagra and vitamin deficiency