

day with full glass of water"; and, Section 502 (b) (2), the label of the article bore no statement of the quantity of the contents.

Prescription 1-RR-7, misbranding, Section 502 (a), certain statements on the label were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of high blood pressure, headaches, heat and fullness of the head, heat and redness of the face, dizziness, noise in the ears, sleeplessness at night, and oppressed breathing due to rush of blood to the head, whereas the article would not be efficacious for such purposes; Section 502 (d), the article contained phenobarbital and its label failed to bear the required warning; Section 502 (b) (2), the label of the article bore no statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the article bore no directions for use.

External No. 1, misbranding, Section 502 (a), the label statement, "cover the sore," was false and misleading since it represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of sores, whereas it would not be efficacious for such purposes; Section 502 (b) (2) the label of the article bore no statement of the quantity of the contents; and, Section 502 (e) (2), the label of the article failed to bear the common or usual name of each active ingredient of the article.

Prescription 1-H-7, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in the treatment of liver ailments; that it would be efficacious in the cure, mitigation, treatment, or prevention of disordered conditions of the liver, stomach, and bowels; and that it would have a tonic effect upon the large intestine, whereas the article would not be efficacious for such purposes; Section 502 (e) (2), the label failed to bear the common or usual names of the active ingredients of the article; and, Section 502 (f) (2), the article was a laxative and its label failed to warn that it should not be taken when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present, and its labeling also failed to warn that frequent or continued use of the article might result in dependence upon a laxative to move the bowels.

Prescription Medicine 1-B-7, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of nervousness, sleeplessness, worry, and weak nerves, whereas it would not be efficacious for such purposes; Section 502 (d), the article contained phenobarbital and its label failed to bear the required warning; Section 502 (j), the article would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in its labeling, (translation from Slovenian) "Directions: 1 portion 3 times a day before meals with half a cup of lukewarm water. Later it suffices to use 1 or 2 a day"; and, Section 502 (c), adequate directions for use required by Section 502 (f) (1) did not appear on the label in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase or use, since that information was not in the English language.

The information also alleged that another article, *Hair Milk*, was misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.

DISPOSITION: A plea of not guilty having been entered on behalf of the defendant the case came on for trial before a jury on October 24, 1944. The jury returned a verdict of guilty, and on October 25, 1944, the court sentenced the defendant to serve 57 days in jail.

1554. Misbranding of Dimels Capsules and Aditis Capsules. U. S. v. Jones-Hague, Inc., and Carlos W. Jones. Pleas of not guilty. Tried to the court and jury; verdict of guilty. Motion for new trial denied. Fine, \$100 and costs. (F. D. C. No. 10590. Sample Nos. 2557-F, 3345-F, 3809-F.)

INFORMATION FILED: December 31, 1943, Western District of Pennsylvania, against Jones-Hague, Inc., a corporation, and Carlos W. Jones, president and treasurer, McKeesport, Pa.

ALLEGED SHIPMENT: On or about July 15, 1942, and March 11 and April 8, 1943, from the State of Pennsylvania into the State of Missouri.

LABEL, IN PART: "Dimels * * * Contains Hormone Complexes as found in Isles Langerhans," and "Aditis * * * Contains Strychnine Sulphate.
 $\frac{1}{200}$ gr. * * * Thyroid Glands U. S. P. 1 Gr. * * * Barium Iodide
 $\frac{1}{40}$ gr. Leptandrin $\frac{1}{8}$ gr. Vehicle q. s."

NATURE OF CHARGE: *Dimels Capsules*, misbranding, Section 502 (k), the article was composed in whole or in part of insulin which was not from a batch for which a certificate or release had been issued pursuant to Section 506; Section 502 (a), the labeling of the article was misleading since it failed to reveal the fact that, when consumed according to the directions in the labeling, the article would not produce the effect of the hormones found in the Islands of Langerhans, which fact was material in view of the following representations on the labels: "Each capsule Contains Hormone Complexes as found in Isles Langerhans * * * Dosage—One capsule three times daily."

Further misbranding, Section 502 (a), the statements on the labels, "To be taken only upon advice of a physician. Its use otherwise may be dangerous. To be used only in uncomplicated and incipient diabetes," were false and misleading since they represented and suggested that the article, when taken as directed, would be physiologically active and would be dangerous unless taken upon the advice of a physician, and that, when taken as directed, it would be of value in the treatment of uncomplicated and incipient diabetes. The article, when taken as directed, was inert and physiologically inactive, and whether taken upon the advice of a physician or otherwise, it would not be dangerous and it would not be of value in the treatment of uncomplicated and incipient diabetes.

Aditis Capsules, misbranding, Section 502 (j), the article contained barium iodide and thyroid in amounts which would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the following directions from the labeling: "Dose—One to three capsules daily."

DISPOSITION: On May 23 and 24, 1944, the case was tried to a jury and a verdict of guilty was returned with respect to both defendants on all counts. On May 29, 1944, a motion for a new trial was filed on behalf of the defendants, which motion was denied on June 19, 1945. On June 28, 1945, the court imposed a fine of \$100 and costs.

1555. Misbranding of Lax Thyroid Tablets. U. S. v. Edward S. Hidden (Carolina Chemical Co.). Plea of guilty. Fine, \$500. Sentence of 1 year imprisonment suspended; defendant placed on probation for 5 years, conditioned upon payment of fine. (F. D. C. No. 14262. Sample Nos. 68126-F, 68501-F.)

INFORMATION FILED: February 6, 1945, Eastern District of South Carolina, against Edward S. Hidden, trading as the Carolina Chemical Co., Charleston, S. C.

ALLEGED SHIPMENT: On or about May 20 and June 30, 1944, from the State of South Carolina into the State of Ohio.

PRODUCT: The *Lax Thyroid Tablets* consisted of white and pink tablets in one shipment and light-colored and pink tablets in the other shipment. The tablets were packaged in envelopes in which were enclosed certain mimeographed sheets entitled "Lax Thyroid Tablets."

Analyses showed that each of the white and light-colored tablets contained approximately $\frac{1}{2}$ grain of thyroid, and that each of the pink tablets contained plant drugs, including the laxative drug aloin.

NATURE OF CHARGE: White and light-colored tablets, misbranding, Section 502 (j), the tablets, by reason of the fact that each contained approximately $\frac{1}{2}$ grain of thyroid, would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the following labeling: (Envelopes containing the light-colored tablets) "Thyroid Tablets * * * Directions: One tablet at bedtime or one tablet before meals"; (mimeographed sheets accompanying the white and light-colored tablets) "Take one Lax Thyroid Tablet at bedtime. If you want to increase dosage you may take one before each meal. * * * Lax Thyroid Tablets are intended to be used as a week-by-week treatment. Do not expect extraordinary results from taking one packing. * * * Loss of weight with Lax Thyroid Tablets does not usually start at once. It may take a few days or even a few weeks to get things started in the right direction. * * * It takes a little time to experience the benefits of this treatment." Further misbranding, Section 502 (a), certain statements in the mimeographed sheets were false and misleading since they represented and created the impression that the tablets would be a safe and appropriate remedy for the treatment of obesity,