

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

2306. Action to enjoin and restrain the interstate shipment of "Nature's Vegetation." U. S. v. Edgar H. Gremore. Injunction granted. (Inj. No. 82.)

COMPLAINT FILED: On or about March 3, 1945, Eastern District of Wisconsin, against Edgar H. Gremore, Florence, Wis.

NATURE OF CHARGE: That the defendant was engaged in the manufacture, processing, and packing of a product known as "Nature's Vegetation"; that the product consisted essentially of a moist, earthy material containing nitrogenous and carbonaceous material and mineral residues; that the defendant prepared the product from peat from a peat bog on his farm near Florence, Wis.; that for several years he had been packaging and selling the material in interstate commerce; that he had made many consignments of the product in the years 1944 and 1945; that he had sent to certain of these consignees certain circulars separate from the shipments of the product; that the label and circulars represented that the product would cure, prevent, and constitute an adequate treatment for human diseases, such as cancer, heart disease, arthritis, neuritis, eczema, tumors, abscesses, varicose veins, and other human ailments; and that the drug "Nature's Vegetation" had absolutely no therapeutic value in the treatment or prevention of any of the said human diseases. The complaint alleged further that the drug was misbranded as follows:

Section 502 (a), the label of the product bore false and misleading representations;

Section 502 (b) (2), the label failed to bear an accurate statement of the quantity of the contents;

Section 502 (e), the label failed to bear the common or usual name of the article; and,

Section 502 (f) (1), the label failed to bear adequate directions for use.

PRAYER OF COMPLAINT: That the defendant be restrained and enjoined during the pendency of the action and after trial permanently enjoined from shipping misbranded drugs in interstate commerce.

DISPOSITION: On March 19, 1945, the court entered a temporary injunction against the defendant. On June 11, 1945, the defendant having failed to answer or otherwise plead to the complaint, the court handed down its findings of fact and conclusions of law, sustaining the allegations in the complaint; and, in accordance therewith, judgment was entered permanently enjoining the defendant from introducing or delivering for introduction into interstate commerce any product or products which were misbranded within the meaning of Sections 502 (a) and 502 (e) of the Act.

2307. Adulteration and misbranding of Holliday's Antiseptic Powder and misbranding of Holliday's Solution #5, Holliday's Cinotol-F, Holliday's Vaginal Ointment, and Holliday's Para Specific. U. S. v. Austin J. Holliday (Holliday's Pharmacal Laboratory). Plea of not guilty. Tried to the court. Verdict of guilty. Imposition of sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 23249. Sample Nos. 49581-H to 49585-H, incl.)

INFORMATION FILED: December 22, 1947, Eastern District of Texas, against Austin J. Holliday, trading as Holliday's Pharmacal Laboratory, Beaumont, Tex.

ALLEGED SHIPMENT: On or about August 21, 1946, from the State of Texas into the State of Louisiana.

PRODUCT: Analyses disclosed that *Holliday's Solution #5* was essentially a sweetened and colored solution of epsom salt; that *Holliday's Cinotol-F* consisted essentially of ferrous iron, potassium bromide, and potassium iodide in solution; that *Holliday's Vaginal Ointment* was a salve having a petrolatum base and containing methyl salicylate and sulfapyridine; that *Holliday's Antiseptic Powder* consisted of salt artificially colored, perfumed with oil of wintergreen, and containing traces of sulfate, aluminum, and some cresolic substance; and that *Holliday's Para Specific* was essentially a solution of potassium bromide, iodide, iron and ammonium citrate, and a small amount of arsenic.

*See also Nos. 2303-2305.