

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the articles bore no label containing a statement of the quantity of the contents; Section 502 (d), they were for use by man and contained a chemical derivative of barbituric acid, which derivative had been found, by the Administrator of the Federal Security Agency, after investigation, to be and by regulation designated as habit-forming, and the label failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith, the statement "Warning—May be habit-forming"; and, Section 502 (f) (1), the labeling of the articles bore no directions for use.

DISPOSITION: July 7, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000 and a sentence of 1 year's imprisonment on count 1. The prison sentence was suspended for a period of 3 years and the defendant was placed on probation, conditioned that the fine be paid and that he not violate any Federal, State, or local laws. In addition, the court imposed a fine of \$1,000 on count 2 of the information.

2502. Misbranding of Mo-Tee-Na Special Tablets, Vaginal Salve, Rensom Liquid Antiseptic Skin Lotion, and Rensom Soothing Emollient. U. S. v. General Products Laboratories, Inc., Frederick L. Ferguson, and Jay G. Hobson. Pleas of guilty. Fine of \$400 against each defendant. (F. D. C. No. 24221. Samples Nos. 15227-H, 15228-H, 35794-H, 35795-H.)

INFORMATION FILED: February 20, 1948, Southern District of Ohio, against General Products Laboratories, Inc., Columbus, Ohio, Frederick L. Ferguson, president, and Jay G. Hobson, vice-president.

ALLEGED SHIPMENT: On or about January 16, May 17, and July 29, 1946, from the State of Ohio into the States of Illinois and Missouri.

LABEL, IN PART: "Mo Tee Na Special Tablets * * * Active Ingredients: Celery Seed, Passion Flower, Gentian, Ext. Nux Vomica $\frac{1}{4}$ grain per tablet"; "Vaginal Salve * * * Active Ingredients: Powdered Alum, Turpentine. Inactive Ingredients: Glycerin, Boric Acid, Iodine, Carbolic Acid 4.17% in Petrolatum Base"; "Rensom Liquid Antiseptic Skin Lotion * * * Active Ingredients: Iron Sulphate (Copperas), Boric Acid, Distilled water, Q. S."; and "Rensome Soothing Emollient * * * Active Ingredients: Red Precipitate, Zinc Oxide. Inactive Ingredients: White Petrolatum, Oil Sassafras."

NATURE OF CHARGE: "*Mo-Tee-Na Special Tablets*. Misbranding, Section 502, (a) the label statement "For Simple Nervousness, Sluggishness, and Lack of Energy Due to Overwork" was false and misleading, since the article would not be efficacious in the cure, mitigation, and treatment of simple nervousness, sluggishness, and lack of energy due to overwork.

Vaginal Salve. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since the labeling failed to state the conditions, diseases, and functions for which the article was to be used.

Rensom Liquid Antiseptic Skin Lotion. Misbranding, Section 502 (a), the label statement "Antiseptic" was false and misleading, since it represented and suggested that the article was an antiseptic, whereas it was not an antiseptic within the meaning of the law, in that it was not a germicide when used in accordance with the directions appearing in the labeling and did not purport to be, and was not represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involved prolonged contact with the body. Further misbranding, Section 502 (f) (1), the directions contained in the labeling for use of the article in the treatment of wounds were inadequate, in that the article would only be of value in the treatment of minor wounds when used as a wet dressing and the directions did not provide for the use of the article as a wet dressing.

Rensom Soothing Emollient. Misbranding, Section 502 (a), the label statements "Promotes Healing of Certain Skin Irritations * * * To relieve Itching and Burning of Eczema, and many similar skin irritations of external origin" were false and misleading, since the article would not promote healing of skin irritations and would not relieve itching and burning of eczema and many similar skin irritations of external origin. Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and it contained the ingredient, red precipitate, a derivative of mercury; the label of the article did not bear a statement showing the substance from which the

ingredient was derived and the fact that the ingredient was derived from mercury; and, further, the label did not bear a statement of the quantity or proportion of red precipitate contained in the article.

DISPOSITION: April 1, 1948. Pleas of guilty having been entered, the court imposed a fine of \$400 against each defendant.

2503. Misbranding of Vaga-Septic Capsules and Vaga-Septic Powder. U. S. v. 30 Boxes, etc. (F. D. C. No. 25202. Sample Nos. 21746-K, 21747-K.)

LIBEL FILED: July 26, 1948, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about January 26, 1948, by the Vaga-Septic Co., from Grandview, Mo.

PRODUCT: 30 boxes each containing 15 *Vaga-Septic Capsules* and 33 boxes of *Vaga-Septic Powder* at Oklahoma City, Okla. Examination showed that the capsules consisted essentially of sodium bicarbonate, borates, zinc sulfate, and oxyquinoline sulfate, and that the powder consisted essentially of boric acid, menthol, carbolic acid, aluminum sulfate, and oil of eucalyptus. Bacteriological tests showed that the powder was not antiseptic.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of the capsules failed to bear adequate directions for use, since it did not reveal the reason for using the article; and, Section 502 (a), the statements "Vaga-Septic" and "Healing" on the label of the powder were false and misleading, since the article was not antiseptic and was not effective in healing.

DISPOSITION: September 3, 1948. Default decree of condemnation and destruction.

2504. Misbranding of Brother Tom's Medicine and iron and yeast tablets. U. S. v. 14 Packages * * *. (F. D. C. No. 25144. Sample Nos. 36262-K, 36263-K.)

LIBEL FILED: August 5, 1948, District of Montana.

ALLEGED SHIPMENT: On or about June 11, 1948, by the Brother Tom's Medicine Co., from Los Angeles, Calif.

PRODUCT: 14 packages of *Brother Tom's Medicine*, at Butte, Mont., each package containing 1 bottle of the medicine and an envelope containing *iron and yeast tablets*.

LABEL, IN PART: (Bottle) "Liquid Medicine That Acts as a Laxative, Stomachic, Carminative, Diuretic. Contains the active principles extracted from Cascara Sagrada, Senna, Gentian, Fennel Seed, and in addition contains Aloin, Caffeine, Sodium Benzoate, Salicylic Acid and flavoring ingredients"; (envelope) "Iron and Yeast Tablets * * * Four Tablets Contain Iron 75 Mg. (Ferrous Sulf. Exsic. 3.9 Gr.) Yeast 12 Gr. (Primary Dried U. S. P.) B₁ (Thiamin) 1.8 Mg. with excipients and fillers."

NATURE OF CHARGE: *Brother Tom's Medicine*. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use as a stomachic, carminative, and diuretic, the purposes for which it was recommended in its labeling.

Iron and yeast tablets. Misbranding, Section 502 (a), certain statements in a circular enclosed in the envelope containing the tablets were false and misleading. These statements suggested and implied that the tablets would preserve a lady's beauty and prevent her face from growing pale when her freshness was lagging and her energy was low; that they would remedy puny, weak, red blood cells, enabling them to send full energy into one's system; that they would build energy; that they would correct tired, listless, pale conditions, and would cause the red cells to release energy to the body; and that they would favorably affect puny, faded cells, enabling them to release needed energy and cause one to look and feel his best. The tablets would not be effective for such purposes.

DISPOSITION: September 21, 1948. Default decree of condemnation and destruction.

2505. Misbranding of Vit-An-Min. U. S. v. 310 Bottles, etc. (F. D. C. No. 25081. Sample Nos. 19460-K, 19461-K.)

LIBEL FILED: July 13, 1948, Northern District of Ohio.