

2582. Action for criminal contempt for violation of terms of injunction. U. S. v. Edgar H. Gremore. Plea of not guilty. Tried to the court; verdict of guilty. Sentence of 6 months in prison suspended and defendant placed on probation for 3 years. (Inj. No. 82.)

INFORMATION FILED: On or about December 21, 1948, Eastern District of Wisconsin, against Edgar H. Gremore, Florence, Wis.

NATURE OF CHARGE: That the defendant in willful disobedience of the decree of injunction against the introduction into interstate commerce of products misbranded under Section 502 (a) [See notice of judgment on drugs and devices No. 2306], shipped in interstate commerce to Stephenson, Mich., Oak Park, Ill., and Chicago, Ill., on or about November 29, 1945, and October 19 and 26, 1948, quantities of a product designated *Nature's Vegetation*, which was misbranded under Section 502 (a); and that by reason of such shipments, the defendant was in criminal contempt of the permanent injunction issued on June 11, 1945.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court on January 24, 1949. At the conclusion of the trial, the court found the defendant guilty of contempt and sentenced him to serve 6 months in prison. The sentence was suspended and the defendant was placed upon probation for 3 years on the condition that he abandon the sale and marketing of the product by any means whatsoever, whether interstate or intrastate.

2583. Misbranding of Frencos Papain, Frencos Pap-Tabs, New Minute Py-O-Ten, and Frencos Papaya Tooth Powder. U. S. v. Chester D. French (Frencos Laboratories). Plea of nolo contendere. Fine of \$105 and sentence of 6 months in jail; jail sentence suspended for 6 months and defendant placed on probation. (F. D. C. No. 17786. Sample Nos. 74297-F to 74299-F, incl., 29949-H to 29951-H, incl.)

INFORMATION FILED: On or about April 29, 1946, District of Arizona, against Chester D. French, trading as Frencos Laboratories, at Nogales, Ariz.

ALLEGED SHIPMENT: On or about October 17, 1944, and March 23, May 19, and August 13, 1945, from the State of Arizona into the State of California.

PRODUCT: Analyses showed that *Frencos Papain and New Minute Py-O-Ten* consisted essentially of plant material containing a milk-clotting enzyme, probably papain; that a portion of *Frencos Pap-Tabs* consisted essentially of compounds of calcium, magnesium, bismuth, and carbonate, together with some acid-insoluble matter and a milk-clotting enzyme, probably papain; that the remainder of *Frencos Pap-Tabs* consisted essentially of bismuth, calcium, and magnesium carbonates or oxides, papain, starch, and a trace of cerium; and that *Frencos Papaya Tooth Powder* consisted essentially of sodium, calcium, and magnesium carbonates and chlorides, papain, starch, and soap.

LABEL, IN PART: "Frencos Papain Powdered Absolute," "Frencos Pap-Tabs," "New Minute Py-O-Ten," and "Frencos Papaya Tooth Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in circulars entitled "Frencos Papain Powdered Absolute," "Frencos Laboratories of Nogales," and "Frencos Pap-Tabs" were false and misleading since the articles would not be effective for the purposes and would not fulfill the promises of benefits suggested and implied by the statements. The false and misleading statements represented:

That *Frencos Papain* when used as a vaginal douche solution material, it

would be effective in the diseases of women to correct leukorrhea, unhealthy mucus, and pus excretions; that it would be effective in the treatment of mild indigestion and acute indigestion; that it was one of the greatest antacids; that when employed in a cosmetic cream, it would remove blemishes and would digest blemishes on the skin and the accumulation of the secretion in the pores; that its use in cooking would insure a more balanced and digestible diet; that it would reduce acidity in the system; that it would aid in the treatment locally of pyorrhea; that when dusted in cavities left by tonsillectomy operations, it would be of use in the treatment of such cavities; that it would be a very effective cough remedy; that it would be an adequate treatment for infections of the ears and sinuses; that it would give appreciable relief in chronic conditions developed following a cold; that when taken as directed, it would supply a substantial amount of protein and consequential amounts of vitamins B, D, and G; that it was an excellent specific for gastric distress and dyspeptic ailments; that when added to milk for those who have digestive difficulties, it would give excellent results; and that when employed in face cream, it would remove blemishes.

That *Frenco's Pap-Tabs* was "Nature's Great Digestant"; that it was a digestive tablet and a healing compound; that it would render the toxic poisons of the colon harmless; that it would be adequate for the treatment of digestive disorders from all angles; that it would be a great aid in the treatment of disturbed or subnormal digestion; that it would be highly effective for the relief of sour stomach, gas, indigestion, hyperacidity, nausea during menses and pregnancy, and pain around the heart caused by gas pressure; that it would be excellent for the relief of nausea caused by over-indulgence in alcoholic beverages and for the relief of nausea in attacks of sea, air, car, and train sickness; that it would be effective in the treatment of feeble and disordered digestion and of diseased conditions where the natural digestive process is deficient; that the daily use of the article would keep the digestive tract clean and healthy; that it would soothe and quiet the stomach and in most cases give decided relief in 10 to 15 minutes; that it would be helpful not only in extreme cases of distress but in all cases of distress; and that it would be effective in the treatment of gastric eructations and flatulence due to hyperacidity.

That *New Minute Py-O-Ten* would prevent insomnia and render food quickly digestible, and that it would be beneficial during periods of gastric distress.

That *Frenco's Papaya Tooth Powder* would be effective in digesting anything digestible, whether in acid, alkaline, or neutral solution, which may cling to the teeth, between the teeth, in cavities, or under the gums; that it would digest unhealthy pus secretions coming from diseased condition of gums or process; that it would be effective in the treatment of pyorrhea and sore gums; and that it would have a healing effect upon the gums.

Further misbranding, Section 502 (a), the label statement "Contains * * * Calcium, Magnesium, Kaolin, Bismuth" with respect to a portion of the *Frenco's Pap-Tabs*, was false and misleading since the article contained no kaolin and did not contain calcium, magnesium, and bismuth as such, but instead contained compounds of such minerals.

DISPOSITION: January 7, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$105 and sentenced the defendant to serve 6 months in prison. The prison sentence was suspended for 6 months, and the defendant was placed on probation.