

DISPOSITION: February 16, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$700.

**2606. Misbranding of Dee-Lay Caps. U. S. v. The Duncan Co. Plea of guilty. Fine, \$100. (F. D. C. No. 25564. Sample No. 20887-K.)**

INFORMATION FILED: November 17, 1948, Western District of Oklahoma, against The Duncan Co., a partnership, trading under the name of the Dee-Lay Co., at Oklahoma City, Okla.

ALLEGED SHIPMENT: On or about December 30, 1947, from the State of Oklahoma into the State of Kansas.

PRODUCT: *Dee-Lay Caps.* Analysis showed that the product consisted chiefly of capsules containing camphor, ferrous sulfate, with capsicum and aloes indicated, and tablets containing calomel with plant material indicated.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Dee-Lay Caps \* \* \* Recommended for the relief of delayed menstruation caused from Colds, Nervousness or Over Exposure" was false and misleading since the article would not be efficacious in the treatment of delayed menstruation and would not be efficacious for the relief of delayed menstruation caused from colds, nervousness, and over exposure. 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 the tablets of the article contained the ingredient, calomel, a derivative of mercury; and 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 calomel contained in the tablets. Further misbranding, Section 502 (f) (2), the article was a laxative and its labeling failed to bear a warning that it should not be used when abdominal pain (stomach-ache, cramps, and colic), nausea, vomiting (stomach sickness), or other symptoms of appendicitis are present, and the labeling of the article also failed to warn that frequent or continued use may result in dependence upon laxatives to move the bowels.

DISPOSITION: January 4, 1949. A plea of guilty having been entered, the court imposed a fine of \$100.

**2607. Misbranding of orchic substance and spleen liquid. U. S. v. 187 Vials, etc. (F. D. C. No. 25850. Sample Nos. 7492-K, 7493-K.)**

LIBEL FILED: October 14, 1948, Western District of New York; amended libel filed November 3, 1948.

ALLEGED SHIPMENT: On or about September 1, 1948, by Bruce Laboratories, Inc., from Trenton, N. J.

PRODUCT: 187 30-cc. size vials of *orchic substance* and 170 25-cc. size vials of *spleen liquid* at Buffalo, N. Y. There were no labels upon the immediate containers of the articles. In the shipping cartons were handwritten sheets bearing the following: "Control #484 Orchic Substance Ziegler order #2221 192 Total" and "Control #485 Spleen Liquid Ziegler order #2221 Total No. of Bottles 175."

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the articles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), they failed to bear labels containing an accurate statement of the quantity of the contents; Section 502 (e) (1), the labels of the articles failed to bear the common or usual names of the articles,

namely, *orchic substance* or *spleen liquid*; and, Section 502 (f) (1), the labelings of the articles failed to bear adequate directions for their use.

DISPOSITION: November 23, 1948. Default decree of condemnation and destruction.

**2608. Misbranding of Nue-Ovo. U. S. v. 4 Units \* \* \*. (F. D. C. No. 25940. Sample No. 25635-K.)**

**LIBEL FILED:** November 18, 1948, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about October 21, 1948, by the Research Laboratories, from Portland, Oreg.

**PRODUCT:** 4 units, each containing 3 1-pint bottles, of *Nue-Ovo* at Ames, Iowa.

**LABEL, IN PART:** "Nue-Ovo \* \* \* Active Ingredients: An aqueous extraction of Plume Thistle, Burdock, Quasia, Sage, Cinnamon, Horehound, Ginseng, Calamus, Dandelion, Althea, Kola Nut, Sodium Salicylate Cascara Licorice, Vitamin B<sub>1</sub>."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the labeling failed to reveal the diseases or conditions of the body for which the article, when used as directed, would be effective.

DISPOSITION: February 12, 1949. Default decree of condemnation and destruction.

**2609. Misbranding of herbs. U. S. v. 168 Boxes \* \* \*. (F. D. C. No. 25864. Sample No. 48073-K.)**

**LIBEL FILED:** October 18, 1948, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about August 11, 1948, from Cincinnati, Ohio.

**PRODUCT:** 168 boxes of *herbs* at Philadelphia, Pa., in the possession of Felix Hawkins, Jr., Sales of the product were made on the basis of lectures given on a street corner by Jesse White Eagle and Burt Carman, on behalf of Felix Hawkins, Jr. The charge of misbranding is based on their oral representations.

**LABEL, IN PART:** "Herbs Active Ingredients Cascara, Senna, Mandrake, Also Contains Wild Cherry, Quassia, Yam, Celery Seed, Stillingia, Poke Root and Licorice."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of menstrual difficulties, sexual impotency, poor eyesight, dental troubles, stomach trouble, kidney trouble, run-down condition, nervousness, rheumatism, and arthritis, which are the diseases, symptoms, and conditions for which the article was intended. The product was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 24, 1948. Default decree of condemnation and destruction.

## DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

**2610. Adulteration of horehound herb. U. S. v. 4½ Bales \* \* \*. (F. D. C. No. 25906. Sample No. 45449-K.)**

**LIBEL FILED:** November 5, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 4 and 20, 1947, from New York, N. Y.