

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

3021. Misbranding of Metro-Vac. U. S. v. Charles A. C. Faiman (Physicians Rx Products), and Dr. F. H. Jordan. Pleas of not guilty. Tried to a jury; verdict of guilty as to defendant Faiman and not guilty as to defendant Jordan. Sentence of two years in prison against defendant Faiman. Judgment affirmed on appeal. (F. D. C. No. 25563. Sample Nos. 22351-K, 27247-K.)

INDICTMENT RETURNED: September 23, 1948, Northern District of Texas, against Charles A. C. Faiman, alias A. C. Faiman, alias C. A. C. Faiman, alias Dr. C. Andrew Faiman, and alias Dr. Charles C. Faiman, trading as Physicians Rx Products, and against Dr. F. H. Jordan, Dallas, Tex.

ALLEGED SHIPMENT: The indictment alleged in count 1 that both defendants, on or about January 24, 1948, willfully and unlawfully caused a quantity of *Metro-Vac* to be introduced and delivered for introduction into interstate commerce at Dallas, Tex., for delivery to Monroe, La. The indictment alleged in count 2 that the defendant Faiman, on or about January 27, 1948, willfully and unlawfully caused a quantity of *Metro-Vac* to be introduced and delivered for introduction into interstate commerce at Dallas, Tex., for delivery to Helena, Ark.

PRODUCT: Analysis showed that the product was a soft potassium soap containing 2.5% of potassium iodide and a crystal violet dye. It was represented to be a uterine evacuant.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the article bore no label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), it bore no label containing an accurate statement of the quantity of the contents; Section 502 (e) (2), it bore no label containing the common or usual name of each active ingredient; Section 502 (f) (1), it bore no labeling containing directions for use; and, Section 502 (f) (2), it bore no labeling containing warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration or application.

DISPOSITION: On September 30, 1948, the defendants entered pleas of not guilty, and the case immediately proceeded to trial before a jury. On October 1, 1948, the jury returned a verdict of guilty against defendant Faiman and a verdict of not guilty against defendant Jordan, and on the same day the court imposed a sentence of two years in prison against defendant Faiman. An appeal was taken to the U. S. Court of Appeals for the Fifth Circuit on behalf of defendant Faiman, and on March 20, 1950, a decision was handed down by that court, affirming the judgment of the lower court.

3022. Misbranding of Benadryl capsules, Hexital tablets, and Carbrital capsules. U. S. v. Thompson D. Adcock and John G. Malley. Pleas of guilty. Fines of \$125 against defendant Adcock and \$50 against defendant Malley. (F. D. C. No. 26710. Sample Nos. 26183-K, 27029-K, 27031-K, 27041-K, 27044-K, 27315-K, 27532-K.)

INFORMATION FILED: August 19, 1949, Western District of Missouri, against Thompson D. Adcock, a pharmacist for the McGreevy Drug Co. No. 2, a partnership, Springfield, Mo., and against John G. Malley, a partner in the partnership.

*See also No. 3039 (veterinary preparations).