

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; the label of the repackaged capsules failed to bear the common and usual name of each active ingredient since the capsules contained, in addition to apiol and ergot, the active ingredients, oil of tansy and aloin; and the label of the repackaged capsules failed to bear the common and usual names of the last-named active ingredients.

Further misbranding, Section 502 (f) (1), the repackaged capsules bore no labeling containing directions for use.

DISPOSITION: June 27, 1950. Pleas of nolo contendere having been entered, each defendant was fined \$100, plus costs, and placed on probation for 1 year.

3170. Misbranding of Menestrex capsules. U. S. v. William Rex Manning (Rex Laboratories). Plea of guilty on counts 1, 2, 4, and 5; plea of not guilty on count 3. Count 3 tried to the court; verdict of not guilty. Fine of \$1.00 on each of counts 1, 2, 4, and 5. (F. D. C. No. 26719. Sample Nos. 260-K, 999-K, 27312-K, 44012-K.)

INFORMATION FILED: June 30, 1949, Middle District of Tennessee, against William Rex Manning, trading as the Rex Laboratories, Nashville, Tenn.

ALLEGED SHIPMENT: On or about August 28, 1947, and February 13, March 16, and September 8, 1948, from the State of Tennessee into the State of Georgia.

PRODUCT: Examination disclosed that the product contained a mixture of quinine sulfate and potassium permanganate.

LABEL, IN PART: (All bottle labels) "Menestrex Contains: Potassium Permanganate Quinine Sulphate"; (bottle label of lot covered by count 3) "For easing distress in scanty or functionally difficult menstruation."

NATURE OF CHARGE: Count 3. Misbranding, Section 502 (a), the label statement "Menestrex * * * For easing distress in scanty or functionally difficult menstruation" was false and misleading since the statement represented and suggested that the article would be efficacious to ease distress in scanty or functionally difficult menstruation, whereas the article would not be efficacious for such purpose.

Counts 1, 2, 4, and 5. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the labeling failed to reveal the conditions for which the article was intended.

DISPOSITION: May 31, 1950. A plea of guilty was entered to counts 1, 2, 4, and 5, and a plea of not guilty to count 3. Trial was held before the court with respect to the charge involved in count 3, and, at its conclusion, a verdict of not guilty was rendered on count 3. The court imposed a fine of \$1.00 on each of counts 1, 2, 4, and 5, a total fine of \$4.00.

3171. Misbranding of estrogenic hormone substance. U. S. v. 20 Vials * * *
(F. D. C. No. 28964. Sample No. 55892-K.)

LIBEL FILED: On or about April 19, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 19, 1950, by the Robert Brinton Morris Laboratories, from Pitman, N. J.

PRODUCT: 20 vials, each containing 30 cc., of *estrogenic hormone substance* at Kansas City, Mo.

LABEL, IN PART: "Estrogenic Hormone Substance (As Estradiol In Sesame Oil)".

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the directions for use appearing therein "For Use in Menopausal Symptoms 5,000 units to 25,000 units Intramuscularly 2 or 3 Times Weekly" failed to disclose the amount of the drug to be injected.

DISPOSITION: May 25, 1950. Default decree of destruction.

3172. Misbranding of homeopathic tablets. U. S. v. 45 Cartons, etc. (F. D. C. No. 28476. Sample Nos. 49659-K to 49661-K, incl.)

LABEL FILED: December 21, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about January 29, July 1, and October 17, 1949, by Ehrhart & Karl, from Chicago, Ill.

PRODUCT: 45 cartons of *homeopathic tablets*, 6 cartons of *Homeopathic Compound Tablets*, and 2 cartons of *Plain Bioplasma Celluids tablets* at Denver, Colo., in possession of the Colorado Mineral Health School.

Quantities of the tablets had been repackaged by, and were in possession of the Colorado Mineral Health School, together with a number of circulars, printed locally entitled "A Few Facts Worth Knowing," which accompanied the repackaged tablets.

LABEL, IN PART: (Cartons) "Tablet Triturates Homeopathic Private Formula No. * * * 1 Lb." and "Homeopathic Compound Tablets Private Formula No. 222a 6X * * * Added 50 Units Vitamin B₁ per tablet 1 Lb. * * *"; (packages) "A Biochemic Homeopathic Product Calcium Phosphate * * * No. 2 [or "Calcium Sulphate * * * No. 3," "Iron Phosphate * * * No. 4," "Potassium Chloride * * * No. 5," "Potassium Phosphate * * * No. 6," "Potassium Sulphate * * * No. 7," "Magnesium Phosphate * * * No. 8," "Sodium Phosphate * * * No. 9," "Sodium Phosphate * * * No. 10," "Sodium Sulphate * * * No. 11," "Silicea * * * No. 12"] Celluids," "A Biochemic Homeopathic Product Plain Bioplasma Celluids * * * A Combination of all the 12 minerals, prepared according to Bio-Chemistry Therapy * * * Each tablet contains 12 Minerals Potensised to the consistency of the blood according to Bio-Chem Theory," and "A Biochemic Homeopathic Product Bioplasma Celluids * * * A Combination of all the 12 minerals, prepared according to Bio-Chemistry Therapy. * * * Each tablet contains not only the Mineral, but there has been added, 50 units of Vitamin B₁, to each tablet."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles in the 45-carton, 6-carton, and 2-carton lots failed to bear adequate directions for use since they failed to bear any directions for use. The articles in such lots were misbranded in the above respect when introduced into and while in interstate commerce.

Misbranding, Section 502 (a), certain statements on the labels of the repackaged tablets and in the circulars accompanying such tablets were false and misleading since the articles were not capable of fulfilling the promises of benefit stated and implied by the statements. These statements represented and suggested:

That the *Celluids No. 2 tablets* would be beneficial for digestion, broken or weak bone structure, discharge of albumen, and after wasting illness; and that the tablets would be efficacious in the cure, mitigation, and treatment of Bright's disease, consumption, and catarrh;