

having appeared for the 60 cartons, the court entered a default decree of condemnation and destruction.

**3210. Adulteration and misbranding of prophylactics. U. S. v. 63 Cartons \* \* \*. (F. D. C. No. 28994. Sample No. 50851-K.)**

**LIBEL FILED:** April 28, 1950, Western District of Washington.

**ALLEGED SHIPMENT:** On or about March 23, 1950, by the Dean Rubber Mfg. Co., from North Kansas City, Mo.

**PRODUCT:** 63 cartons, each containing 12 packages, of *prophylactics* at Seattle, Wash. Examination of samples showed that 5.3 percent were defective in that they contained holes.

**LABEL, IN PART:** (Package) "12 Dean's Peacocks Reservoir Ends."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statements "For Your Protection \* \* \* An Aid In Preventing Venereal Disease" were false and misleading as applied to an article containing holes.

**DISPOSITION:** September 29, 1950. Default decree of condemnation and destruction.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS**

**DRUGS FOR HUMAN USE\***

**3211. Misbranding of Imdrin. U. S. v. 2,100 Bottles \* \* \*. (F. D. C. No. 26977. Sample No. 20470-K.)**

**LIBEL FILED:** On or about April 14, 1949, Western District of Missouri; amended libel filed on February 2, 1950, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 21, 1948, and January 5, 7, and 14, 1949, by the Rhodes Pharmacal Co., Inc., from Cleveland, Ohio.

**PRODUCT:** 2,100 72-tablet bottles of *Imdrin* at Kansas City, Mo. Examination disclosed that each tablet of a portion of the product contained 2 grains of aspirin, 1.4 grains of manganese salicylate, 2.3 grains of calcium succinate, 0.19 grain of caffeine, and some thiamine, and that each tablet of the other portion of the product contained 2 grains of aspirin, 1.6 grains of sodium salicylate, 1.56 grains of calcium succinate, 0.16 grain of caffeine, and 1 mg. of thiamine.

**LABEL, IN PART:** "Imdrin \* \* \* Each tablet contains: Manganese Salicylate, Calcium Succinate, Acetylsalicylic Acid, Thiamine Chloride (1 mg.) and Caffeine" or "Imdrin \* \* \* Each tablet contains: Sodium Salicylate, Calcium Succinate, Acetylsalicylic Acid, Thiamine Chloride (1 mg.) and Caffeine."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements and designs appearing in the labeling of the article, namely, on a placard entitled "Rheumatic-Arthritic Sufferers," in a leaflet entitled "Amazing New Imdrin," and on a sheet entitled "Imdrin Fastest Selling Most Heavily Advertised Rheumatic-Arthritic Item," were false and misleading. The statements and designs represented and suggested that the article was adequate and effective for the treatment and cure of all types of arthritis and rheumatism; that the article contained no drugs; that it would give the fastest pain relief in

\*See also Nos. 3201, 3208-3210.

rheumatic and arthritic cases; that it would enable one to resume comfortable, normal living; that it would enable sufferers to gain relief, even after 20 years of pain and torture; that it would enable one to move about without pain and enjoy life again; that it would aid in the relief of nagging aches, pains, swelling, and stiffness accompanying arthritis and related illness, such as certain types of rheumatism, sciatica, bursitis, and neuritis; that it was one of the fastest and safest remedies known for alleviating the miseries of the rheumatoid state and arthritis, and was an efficient medicament for the relief of the symptoms of such infirmities; that users of the article would have no more "Blue Days," and would resume a cheerful outlook on life; that the article would aid sufferers from gout to regain a comfortable living status; that it would assist in the relief from the discomfort of neuritis, aid in maintaining the feeling of well-being, and aid in insuring adequate functioning of the vital enzyme systems of the blood and bones; and that it would bring symptomatic relief to sufferers from arthritis, fibrositis, and certain forms of rheumatism, sciatica, and neuritis. The article was not adequate and effective for the treatment and cure of all types of arthritis and rheumatism; it contained drugs; and it was not capable of fulfilling the promises of benefit stated and implied.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of aspirin, an active ingredient.

The article was misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

**DISPOSITION:** April 26, 1950. The libel proceedings having been transferred to the Southern District of Ohio, and the Rhodes Pharmacal Co., Inc., claimant, having filed an answer denying that the article was misbranded, but subsequently without admitting the misbranding, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the labeling of the product be destroyed and that the bottles of the product be delivered to a charitable hospital or institution for use under the supervision of physicians, as a simple analgesic. On June 14, 1950, the decree was amended to allow destruction of the product.

**3212. Misbranding of thyroid tablets. U. S. v. 136 Dozen Bottles, etc. (F. D. C. No. 28702. Sample No. 54179-K.)**

**LIBEL FILED:** On or about February 8, 1950, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about August 9 and September 28, 1949, by the Kalamazoo Pharmacal Co., Kalamazoo, Mich.

**PRODUCT:** *Thyroid tablets.* 136 dozen 50-tablet bottles and 8 dozen 100-tablet bottles at Dallas, Tex., in possession of the Sims Pharmacal Co.

**RESULTS OF INVESTIGATION:** This product was shipped, labeled as described below. A number of circulars which had been printed locally and which were entitled "There Is Relief For High And Low Blood Pressure," were in possession of the consignee. These circulars were given to prospective customers and were being mailed to persons inquiring about the product. The consignee had on display in the office a cardboard display stand holding six bottles of the product, four copies of the above-named circular, and a poster entitled "Drug is Discovered."

**LABEL, IN PART:** "Boaz's Tablets \* \* \* Each tablet contains: Ext. Thyroid 1/500 gr. and Ext. Parathyroid, Ext. Pituitary, Calcium Lactate, and Sodium Bicarbonate."