

3275. Adulteration of citrate of magnesia. U. S. v. 30 Cases * * *. (F. D. C. No. 29528. Sample No. 35505-K.)

LIBEL FILED: August 16, 1950, District of Nevada.

ALLEGED SHIPMENT: On or about July 19, 1950, by the Robinson Laboratories, from San Francisco, Calif.

PRODUCT: 30 cases, each containing 24 12-ounce bottles, of *citrate of magnesia* at Reno, Nev.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be, and was represented as, "Solution of Magnesium Citrate," a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, and its strength differed from the official standard. (The product contained less magnesium citrate than required by the Pharmacopoeia.)

DISPOSITION: September 15, 1950. Default decree of condemnation and destruction.

3276. Adulteration and misbranding of prophylactics. U. S. v. 2,592 Boxes * * *. (F. D. C. No. 29892. Sample No. 89844-K.)

LIBEL FILED: September 22, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about September 2, 1950, by the Dean Rubber Mfg. Co., from North Kansas City, Mo.

PRODUCT: 2,592 boxes of *prophylactics* at Omaha, Nebr. Examination of samples showed that 3.7 percent were defective in that they contained holes.

LABEL, IN PART: "12 Deans 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 "An Aid in Preventing Venereal Disease * * * For Your Protection" were false and misleading as applied to an article containing holes.

DISPOSITION: October 19, 1950. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

3277. Misbranding of Veronica mineral water. U. S. v. Veronica Sales Co., Ltd., and Frank W. Cole. Plea of nolo contendere. Each defendant fined \$20. (F. D. C. No. 25620. Sample Nos. 26698-K, 29439-K.)

INFORMATION FILED: April 19, 1950, Western District of Tennessee, against Veronica Sales Co., Ltd., a partnership, Santa Barbara, Calif., and Frank W. Cole, a partner.

ALLEGED SHIPMENT: On or about February 4 and March 29, 1948, from the State of Tennessee into the States of Missouri and Texas.

PRODUCT: Analysis disclosed that the product was a mineral water containing magnesium sulfate (epsom salt) as the principal ingredient.

LABEL, IN PART: (Bottle) "Veronica California Natural Springs Water." Circulars entitled "Arthritis Routed By Ancient California Mineral Water" and "Veronica Water" accompanied the shipment of February 4, 1948, and a circular entitled "Veronica Health Water Is Back" accompanied the shipment of March 29, 1948.

*See also Nos. 3269, 3270, 3276; veterinary preparation, No. 3261.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the shipment of February 4, 1948, represented and suggested that the product would be efficacious in the cure, mitigation, and treatment of arthritis, rheumatism, high blood pressure, and acidity; disorders of the stomach, intestines, kidneys, liver, and gall bladder; gallstones, stomach ulcers, athlete's foot, burns, cuts, sprains, inflammation, poison oak, and skin disorders; and that it would be efficacious to promote health; and in addition, certain statements in the labeling of the shipment of March 29, 1948, represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of dyspepsia, dropsy, urinary and bladder troubles, gallstones, impaired functions of the kidneys and liver, renal calculi, chronic constipation, fermentative indigestion, jaundice, spastic colon, arthritis, stomach ulcers, excess acidity, high blood pressure, and stone and gravel in the bladder; that it would be efficacious to stimulate the liver; that it would be efficacious as an anthelmintic and as a gastric and intestinal tonic; that it would be efficacious to restore the bowels to normal and supply much useful material for the nutrition of important tissues; and that it would be efficacious to promote health. These representations in the labeling were false and misleading since the product would not be efficacious for the purposes claimed.

DISPOSITION: November 13, 1950. The case having been transferred from the Western District of Tennessee to the Southern District of California, pleas of nolo contendere were entered and the court imposed a fine of \$20 against each defendant.

3278. Misbranding of Hett's Serum. U. S. v. 1 Vial, etc. (F. D. C. No. 29720. Sample No. 32376-K.)

LIBEL FILED: September 12, 1950, Northern District of California.

ALLEGED SHIPMENT: During the month of July, 1950, by Dr. M. O. Moore, from Windsor, Canada.

PRODUCT: 1 vial containing 10 cc. of *Hett's Serum* at Los Gatos, Calif., together with a number of booklets entitled "The Hett Cancer Treatment and Research Foundation."

Examination of the product indicated that it was a dilute solution of nitrogenous material from animal tissue.

RESULTS OF INVESTIGATION: A copy of the booklet was originally obtained by Dr. M. O. Moore from an individual in Los Angeles, Calif. Dr. Moore had the booklet reprinted and kept the booklet on hand to give to his patients.

LABEL, IN PART: "Hett's Serum."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying booklet were false and misleading since they represented and suggested that the article was effective in the treatment of cancer, whereas the article was not effective for such purpose; and, Section 502 (b) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 26, 1950. Default decree of condemnation and destruction.