

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

Misbranding, Section 502 (a), the following label statements were false and misleading as applied to the article, which contained holes: (Display carton) "Prophylactics \* \* \* Electronically Tested \* \* \* For Your Protection," (3-unit package) "Prophylactics \* \* \* Electronically Tested \* \* \* For Your Protection," (unit package) "Prophylactic," and (on article) "For Prevention Of Disease."

**DISPOSITION:** January 11, 1951. Default decree of condemnation and destruction.

**3333. Adulteration and misbranding of clinical thermometers. U. S. v. 26 Dozen \* \* \*. (F. D. C. No. 30146. Sample No. 58941-K.)**

**LABEL FILED:** November 24, 1950, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 3, 1950, by the Hygrade Thermometer Co., from Brooklyn, N. Y.

**PRODUCT:** 26 dozen *clinical thermometers* at Chicago, Ill. Examination of 24 thermometers in accordance with specifications in C. S. 1-32 showed that 2 failed to meet the test for retreating index, 1 failed to meet the hard shaker test and entrapped gas test, and 10 had engraved markings wider than the intervening spaces.

**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 statement "All Our Thermometers Are Manufactured In Accord With Their Specifications. (C. S. 1-32 Department of Commerce)" was false and misleading as applied to an article which failed to comply with the specifications stated.

**DISPOSITION:** January 9, 1951. Default decree of condemnation and destruction.

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

#### DRUGS FOR HUMAN USE\*

**3334. Misbranding of Guardian Se-Bex tablets. U. S. v. Vitamin Stores, Inc. Plea of nolo contendere. Fine of \$125, plus costs. (F. D. C. No. 28157. Sample No. 20069-K.)**

**INFORMATION FILED:** May 15, 1950, District of Nebraska, against Vitamin Stores, Inc., Omaha, Nebr.

**INTERSTATE SHIPMENT:** On or about August 26, 1948, from the State of Illinois into the State of Nebraska.

**ALLEGED VIOLATION:** Between June 29 and July 13, 1949, while the *Guardian Se-Bex tablets* were being held for sale after shipment in interstate commerce, the defendant caused a placard to accompany the tablets, which act resulted in the tablets being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the placard were false and misleading since they represented and suggested that the tablets would be effective in the cure, mitigation, and treatment of hay fever, whereas the tablets would not be effective for such purposes.

\*See also Nos. 3321, 3329, 3331-3333.

DISPOSITION: November 24, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$125, plus costs.

**3335. Misbranding of vitamin tablets. U. S. v. 197 Bottles \* \* \*. (F. D. C. No. 29736. Sample No. 13745-K.)**

LIBEL FILED: September 18, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 18, 1950, from Buffalo, N. Y.

PRODUCT: 197 bottles, each containing approximately 80 tablets, of *vitamin A & D with dicalcium phosphate* at Chambersburg, Pa., in the possession of H. Weber & Co.

RESULTS OF INVESTIGATION: This product was shipped in 5,000-tablet bottles. It was repackaged and relabeled by the consignee, H. Weber & Co., of Chambersburg, Pa.

LABEL, IN PART: (Bottle) "Vitamin A & D With Dicalcium Phosphate Vitamin A 3140 U. S. P. Units Viosterol 314 U. S. P. Units Dicalcium Phosphate 1 gr. One tablet taken daily contains approximately the minimum daily requirement of vitamin A & D. The equivalent of one teaspoonful Cod Liver Oil U. S. P. strength. Builds resistance to colds and disease Distributed by H. Weber & Co., Chambersburg, Pa."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Builds resistance to colds and disease" was false and misleading as applied to an article which was not effective to build resistance to colds and disease. The article was misbranded while held for sale after shipment in interstate commerce.

The product was charged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: November 24, 1950. Default decree of condemnation and destruction.

**3336. Misbranding of Lee's iron tonic. U. S. v. 78 Bottles \* \* \*. (F. D. C. No. 29662. Sample No. 75160-K.)**

LIBEL FILED: July 27, 1950, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about May 11, 1950, by the J. J. Lee Co., from Marshall, Tex.

PRODUCT: 78 1-quart bottles of *Lee's iron tonic* at McComb, Miss., together with a number of leaflets entitled "The Bible Says."

LABEL, IN PART: "Lee's Iron Tonic Appetizer \* \* \* Active Ingredients: Iron and Ammonium Citrates, Gentian Root, Thiamine Hydrochloride and a trace of Copper Sulfate (iron catalyst)."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying leaflets were false and misleading. The statements represented and suggested that the article would restore vigorous and robust health to weak, puny people; that it would prevent many serious illnesses; that it was useful in the treatment of kidney diseases, inflammation of the kidneys, Bright's disease, pyelitis, etc.; that it would make the bowels move freely; that it would nourish the muscles and give them great resilience; that it would increase muscle tone, improve digestion, and make one buoyant, robust, and healthy; that it would make one feel better, eat better, and look better; that it would build up energy; and that it would give tired, run-down, nervous,