Ulcers Surface Infections Diabetic Ulcers Impetiginous Conditions." The article contained less than .175 mg. of tyrothricin per gram; it was not an antiseptic; it would not prevent infection; and it would not be an effective treatment for the stated conditions. The repackaged portion was misbranded while held for sale after shipment in interstate commerce.

The libel alleged that the product in the drum was misbranded when introduced into and while in interstate commerce as follows: Sections 502 (b) (1) and (2), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (e) (2), its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: January 30, 1951. Default decree of condemnation and destruction.

3400. Misbranding of Slenderform device. U. S. v. 4 Cartons * * *. (F. D. C. No. 27839. Sample No. 57045–K.)

LIBEL FILED: September 14, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 22, 1949, by the Miles Mfg. Co., from Charlotte, N. C.

PRODUCT: 4 cartons containing 25 *Slenderform devices* and a number of circulars entitled "Instructions For The Use Of The Slenderform Reducer And Home Massager," at Ridgewood, N. J. Examination disclosed that the device consisted of an electric motor so mounted as to vibrate during operation, attached to a handle and a belt.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the accompanying circulars were false and misleading since the device was not effective for the purposes stated and implied: "Slenderform Reducer * * * ladies—and * * * gentlemen—massage away their fat and exhaustion in the privacy of the home. No bother, no effort—just relax and let Slenderform do it for you. When using Slenderform for reducing purposes * * * if you want to reduce the waist first, use it on the waist exclusively until desired results are obtained, then start on another portion of the body where it is most needed, and keep up this procedure until you have reduced all portions to your satisfaction * * * when reducing the waist * * * the reducer * * * should be placed * * * up against the waist line * * * The Slenderform massager also is an excellent aid in general health. It stimulates circulation, helps restore and maintain your vitality, improves sleep * * * It aids elimination by the natural process of liver stimulation."

DISPOSITION: March 26, 1951. Default decree of condemnation. The court ordered that two of the devices be delivered to the Food and Drug Administration and that the remainder of the devices be destroyed.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3384 TO 3400

PRODUCTS

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3401–3420

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *August 24, 1951.*

CONTENTS*

*For presence of a habit-forming narcotic without warning statement, see Nos. 3402, 3403, 3406, 3407, 3410, 3412; omission of, or unsatisfactory, ingredients statements, Nos. 3404, 3408, 3410–3412; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3402–3410, 3412, 3419, 3420; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3404, 3405, 3407, 3410–3412; labeling information not likely to be read and understood by the ordinary individual under customary conditions of purchase and use, No. 3420.

959755—51——1

NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

3401. ACTH. U. S. v. 1 Jar, etc. (F. D. C. No. 29802. Sample No. 73760–K.)

LIBEL FILED: October 19, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 14, 1950, by the Princeton Laboratory Products Co., from Princeton, N. J.

PRODUCT: 1 jar containing 25.3 grams and 1 jar containing 21.6 grams of *ACTH*, together with 2 1-gram vials, 1 500-microgram vial, and 12 100-microgram vials of the same product at New York, N. Y.

LABEL, IN PART: "Biological Derivatives, Inc. * * * ACTH (Princeton)."

NATURE OF CHARGE: Section 505 (a), the article was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to such drug.

DISPOSITION: January 24, 1951. Default decree of condemnation. The court ordered that the product be delivered to the Food and Drug Administration, to be used for experimental purposes.

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

3402. Misbranding of Tuinal capsules and phenobarbital tablets. U. S. v. Bradley's Drug Store, Inc. Plea of guilty. Fine, $800 (F. D. C. No. 29461. Sample Nos. 2354–K to 2358–K, incl., 3005–K to 3008–K, incl.)

INFORMATION FILED: October 30, 1950, Western District of Virginia, against Bradley's Drug Store, Inc., Bristol, Va.

INTERSTATE SHIPMENT: From the States of Indiana and Maryland into the State of Virginia, of quantities of *Tuinal capsules* and *phenobarbital tablets*.

ALLEGED VIOLATION: On or about August 9, 10, 12, 13, 15, 16, 19, 20, and 22, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drugs contained derivatives of barbituric acid, which derivatives had been found to be, and by regulations designated as, habit forming; and the repackaged drugs failed to bear labels containing the names, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use in that the directions, namely, "One capsule at bedtime as needed for rest" and "Tabs one at bedtime if needed for rest," borne on the labeling of the repackaged drugs, were not adequate directions for use.

DISPOSITION: April 11, 1951. A plea of guilty having been entered, the court imposed a fine of $800 against the defendant.

3403. Misbranding of phenobarbital tablets and Dexedrine Sulfate tablets. U. S. v. Smith's of Spartanburg, Inc., and Richard B. Burnett. Pleas of nolo contendere. Fine of $100 against corporation and $25 against