

**DRUG ACTIONABLE BECAUSE OF FAILURE TO BEAR A LABEL CONTAINING AN ACCURATE STATEMENT OF THE QUANTITY OF THE CONTENTS\***

**3579. Misbranding of cortisone. U. S. v. 99 Vials \* \* \*. (F. D. C. No. 30911. Sample No. 816-L.)**

**LIBEL FILED:** April 10, 1951, Southern District of Florida; amended libel filed May 16, 1951.

**ALLEGED SHIPMENT:** On or about March 21, 1951, by Supramar Chemicals, Inc., from New York, N. Y.

**PRODUCT:** 99 unlabeled 20-cc. vials of *cortisone* at Miami, Fla., en route to Buenos Aires, Argentina.

**NATURE OF CHARGE:** Misbranding, Sections 502 (b) (1) and (2), the article 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.

**DISPOSITION:** August 16, 1951. Supramar Chemicals, Inc., claimant, having admitted the allegations of the libel for purposes of the instant case, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

**DRUG ACTIONABLE BECAUSE OF FAILURE TO BEAR LABELING INFORMATION LIKELY TO BE READ AND UNDERSTOOD BY ORDINARY INDIVIDUAL UNDER CUSTOMARY CONDITIONS OF PURCHASE AND USE**

**3580. Misbranding of Mynex tablets. U. S. v. 82 Boxes \* \* \*. (F. D. C. No. 31403. Sample No. 18141-L.)**

**LIBEL FILED:** August 3, 1951, District of Arizona.

**ALLEGED SHIPMENT:** On or about May 2, 1951, by Marlene's, Inc., from Chicago, Ill.

**PRODUCT:** 82 63-tablet boxes of *Mynex tablets* at Phoenix, Ariz. Analysis showed that the product contained substantially less than the declared amount of vitamin D.

**LABEL, IN PART:** "A Dietary Supplement \* \* \* Mynex \* \* \* Each Maroon Tablet Contains: \* \* \* Vitamin D 200 Int. units."

**NATURE OF CHARGE:** Misbranding, Section 502 (c), the information required by Section 502 (a) to appear on the label of the article, namely, a statement that *Mynex tablets* would not make one reduce, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, on the label) and in such terms as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase and use since such statement appeared inside the cellophane wrapped box; and in the light of the representations made and suggested for the article, under conditions of use as are customary and usual, such statement should appear upon the immediate container of the article.

\*See also Nos. 3554-3564.