

Misbranding, Section 502 (a), the label statement "Sterilized" was false and misleading as applied to the article, which was not sterile but was contaminated with living micro-organisms.

DISPOSITION: June 29, 1953. Default decree of condemnation and destruction.

4154. Adulteration and misbranding of clinical thermometers. U. S. v. 8 Dozen \* \* \*. (F. D. C. No. 34920. Sample No. 56892-L.)

LABEL FILED: March 30, 1953, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 5, 1953, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

PRODUCT: 8 dozen *clinical thermometers* at Cleveland, Ohio. Examination of 24 thermometers showed that 1 was a hard shaker; that 1 failed to meet the test for retreating index; and that 2 failed to meet the test for accuracy.

LABEL, IN PART: "Cardinal Fever Thermometer Kind—Oral."

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 statements in the labeling of the article were false and misleading since the article did not comply with the stated specifications: (On 1 dozen package) "These thermometers have been manufactured according to the rules and regulations, and have been compared with the standard thermometers, verified By The United States Bureau of Standards," (on unit package) "This thermometer has been made according to regulations and compared with standard thermometers verified By The U. S. Bureau of Standards," and (on leaflet enclosed in each unit package) "\* \* \* thermometer \* \* \* has been \* \* \* tested and found to meet all the requirements and tests specified in the United States Department of Commerce, Commercial Standard CS1-42 for Clinical Thermometers. This Certificate is supported by a record of test of this thermometer \* \* \*."

DISPOSITION: April 28, 1953. Default decree of condemnation and destruction.

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

### DRUGS FOR HUMAN USE\*

4155. Misbranding of bonemeal and bonemeal tablets. U. S. v. Stanley W. Danvers (Nu-Age Products, Nu-Age Products Co., and Nu-Age Biorganic Products). Plea of guilty. Fine of \$750, plus costs. (F. D. C. No. 33735. Sample Nos. 29171-L, 30511-L, 34945-L.)

INFORMATION FILED: December 23, 1952, Western District of Pennsylvania, against Stanley W. Danvers, trading as Nu-Age Biorganic Products, Nu-Age Products, and Nu-Age Products Co., at Loupux, Pa.

ALLEGED SHIPMENT: On or about July 26, November 30, and December 1, 1951, from the State of Pennsylvania into the States of Oregon, Washington, and Wisconsin.

LABEL, IN PART: "Bone Meal with Vitamins A-C-D Each Tablet Contains: Bone Phosphate (A Purified Bone Meal)—7½ Grains Vitamin A 2,000 U. S. P. Units—Vitamin C (Ascorbic Acid) 15.0 Milligrams Vitamin D (Irradiated Ergosterol) 150 U. S. P. Units Distributed By Nu-Age Products Company 1926 W. Railroad Street Loupux, Pa. Six Tablets Daily Contain The

\*See also Nos. 4146, 4147, 4149-4154.

following Percent of The Minimum Daily Adult Requirement: Calcium 133% Phosphorous 60% Vitamin A 300% Vitamin C 300% Vitamin D 225%," and "Purified Bone Meal \* \* \* Distributed by Nu-Age Products Co. 1926 W. Railroad Street Louporex, Pa. Calcium 33% Phosphorous 15% Ratio Ca/P 2.17 3 grams (approximately one level teaspoonful) daily furnish: Calcium (Ca), 1 gram, approximately  $1\frac{1}{3}$  times the minimum daily requirements of a child or an adult and  $\frac{2}{3}$  that of a pregnant or lactating woman; Phosphorus (P), 450 milligrams, approximately  $\frac{3}{5}$  of the minimum daily requirements of a child or an adult and  $\frac{3}{10}$  that of a pregnant or lactating woman."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in a pamphlet entitled "Bone Phosphate A Supplementary Source of Calcium and Phosphorous," accompanying the articles, were false and misleading. The statements represented and suggested that deficiencies of calcium and phosphorous are prevalent and are primary causes of tooth decay, irritability of the nervous system, tense feeling, jagged nerves, restlessness, sleeplessness, nervousness, tired feeling after shopping, etc., poor teeth, hemorrhages, non-healing wounds, stunted growth, low blood pressure, angina pectoris, facial neuralgia, "migrane" headache, easy dislocation of the hip, swelling of the ankles, boils, psoriasis, faintness, weakness of the lower limbs, night sweats, hoarseness, dropsy, epilepsy, blue lips, blue skin, heart conditions, uterine pains, premature graying of the hair, and contracting of the esophagus; that deficiencies of fluorine and calcium are responsible for prolapsus of the organs, blood tumors, varicose veins, and weakening of ligaments and elastic tissues. permitting ankles to turn; and that calcium, phosphorus, and fluorine, as supplied by the articles, would prevent or remedy such conditions, make for longevity, enable the blood stream to provide normal body functioning, correct and prevent much ill health, protect against premature aging, protect the health of pregnant and nursing mothers, stimulate the reproductive organs of otherwise normal persons, eliminate danger of gangrene after operations, render firmer the walls of the arteries, and furnish the proper constituents to keep the human body in good nutrition. These statements were false and misleading in that deficiencies of calcium and phosphorus are not prevalent and, with or without fluorine, are not primary causes of, or responsible for, the disease conditions stated; and calcium, phosphorus, and fluorine, as contained in the articles, would not fulfill the promises of benefit stated and implied.

**DISPOSITION:** August 26, 1953. The defendant having entered a plea of guilty. the court fined him \$750, plus costs.

**4156. Misbranding of desiccated liver tablets. U. S. v. 5 Bottles, etc. (F. D. C. No. 35228. Sample No. 50203-L.)**

**LIBEL FILED:** May 7, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 5, 1953, by Richards Laboratories, from New York, N. Y.

**PRODUCT:** 5 100-tablet bottles, 4 300-tablet bottles, and 3 500-tablet bottles of *desiccated liver tablets* at Newark, N. J., together with a number of pamphlets entitled "The dramatic story of Desiccated Liver A Wonderful New Protective Food." The label of the article stated that 12 tablets, the amount recommended to be taken each day, would supply 72 grains of desiccated liver, representing  $4\frac{1}{2}$  times as much fresh liver. On this basis, the recommended daily intake represented less than 1 ounce of fresh liver.