

horn, John H. Benko, Delmar Randall, and Harold Galbraith, individuals, and their officers, agents, servants, employees, representatives, and all other persons in active concert or participation with them or any of them, be and they are hereby perpetually enjoined and restrained from directly or indirectly, introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, and more particularly delivering or causing to be delivered to any patient or customer living outside the Commonwealth of Pennsylvania for transportation in interstate commerce, in violation of Section 301 (a) of said Act (21 U. S. C. 331 (a)), the articles of drug known as the Hoxsey treatment for internal cancer, and any other articles of drug, the labeling of which represents or suggests that the said drugs comprise the Hoxsey treatment for internal cancer in man, and any other drug or similar composition which—

(a) are accompanied by the aforesaid labeling, namely, the booklet entitled, "What is Cancer? How Does it Function?" a pamphlet entitled, Procedure and Information. Hoxsey Cancer Clinic, Inc., miscellaneous reprints of articles and letters written and distributed by John J. Haluska, a monthly publication entitled the "Globe Gazette," and a book entitled, "The Pittsburgh Trial," devoted substantially to the promotion of the Hoxsey treatment;

(b) are represented or suggested in their labeling to be adequate and effective in the treatment of cancer in man;

(c) are misbranded within the meaning of Section 502 (a) of the Act (21 U. S. C. 352 (a)) by reason of any false or misleading representations or suggestions in the labeling of such drugs;

(d) are misbranded within the meaning of Section 502 (f) (1) of the Act (21 U. S. C. 352 (f) (1)) by reason of the failure of the labeling of said articles to bear adequate directions for use because of the omission from said labeling of a statement of the condition or disease, namely, cancer, which said articles are intended to treat or prevent, and because the directions as to how to take the medicines are not adequate for the condition for which the said medicines are intended."

5203. Nutrilite food supplement. (F. D. C. No. 37261. S. Nos. 88-421 L, 88-430 L.)

INFORMATION FILED: 9-30-55, W. Dist. N. Y., against John Josef and Elinor M. F. Josef, Rochester, N. Y.

ALLEGED VIOLATION: In the course of a sales talk given at Rochester, N. Y., on 9-24-54, Elinor M. F. Josef made oral representations holding the article out to the persons present as an effective treatment for diabetes, cancer, multiple sclerosis, nervousness, arthritis, psoriasis, and malaria; and in the course of sales talks given at Rochester, N. Y., on 9-28-54, John Josef and Elinor M. F. Josef made additional oral representations holding the articles out to the persons present as an effective treatment for multiple sclerosis, diabetes, psoriasis, arthritis, muscular dystrophy, nervousness, paralysis, cerebral palsy, ulcerated stomach, neuritis, pyorrhea, high blood pressure, bad eyesight, alcoholism, nervous breakdown, rheumatism, heart trouble, amyotrophic lateral sclerosis, hypertension, facial flushes, headaches, dizziness, and a letdown feeling.

The acts of the defendants in making such oral representations resulted in the article being misbranded while held for sale after shipment in interstate commerce.

LABEL IN PART: (Pkg.) "Nutralite (R) XX [or "Junior"] Food Supplement This package contains multiple vitamin capsules and mineral tablets for use as a dietary food supplement to fortify, or supplement, the diet."

CHARGE: 502 (f) (1)—the labeling of the article failed to bear adequate directions for use in the treatment of the diseases, symptoms, and conditions

for which it was intended, namely, the diseases, symptoms, and conditions set forth above.

PLEA: Not guilty.

DISPOSITION: On 11-25-55, the defendant filed a motion for a bill of particulars, and on 1-27-56, the court granted the motion with respect to 2 of the 6 items on which particulars were requested. Thereafter, the defendants filed a motion for dismissal of the information on the ground that it did not state sufficient facts to constitute an offense against the United States, and on 6-27-56, the court denied the motion.

The case came on for trial before the court and jury on 5-21-57, and was concluded with the return by the jury, on 5-24-57, of a verdict of guilty.

On 6-3-57, the court fined John Josef \$500 and Elinor M. F. Josef \$1,000, but remitted \$500 of the latter fine.

5204. Keystone blood and kidney remedy. (F. D. C. No. 38506. S. Nos. 30-509 L, 64-764 L.)

INDICTMENT FILED: 9-12-56, W. Dist. Wash., against Forward Club, a corporation, Seattle, Wash., and James L. Evans, president.

ALLEGED VIOLATION: On 9-9-54, while a number of bottles of *Keystone blood and kidney remedy* was being held for sale on the premises of the Forward Club, after shipment in interstate commerce, the defendants caused the drug to be associated with various items of written, printed, and graphic matter relating to the sales promotion of the drug, which act resulted in the drug being misbranded.

LABEL IN PART: "Keystone Blood & Kidney Remedy Ingredients: Herbs And Organic Minerals."

CHARGE: 502 (a)—The labeling associated with the drug, while held for sale after shipment in interstate commerce, contained false and misleading representations that the drug was effective for the prevention and treatment of cancer, as well as for overcoming kidney ailments, chronic liver and gall-bladder trouble, and diabetes, and for the prevention and treatment of liver trouble, ulcers, kidney trouble, colds, hemorrhoids, piles, diarrhea, rheumatism, dysentery, neuralgia, lung trouble, hemorrhages, and fever; and 502 (f) (1)—the labeling of the drug failed to bear adequate directions for use.

PLEA: Guilty.

DISPOSITION: 10-29-56. Forward Club fined \$500; Evans fined \$100 and placed on probation for 5 years.

5205. Various drugs. (F. D. C. No. 38725. S. Nos. 7-879/89 M.)

QUANTITY: 1 drum containing 24,750 *Special Formula Tablets Laxative No. 1*; 1 drum containing 9,750 and 1 drum containing 12,950 *KH thyroid tablets*; 1 drum containing 17,550 *KH #211 tablets*; 2 boxes containing a total of 7,250 *Special Formula No. 3044 tablets*; 1 jar containing 4,750 *Thyrotalis RP-2 tablets*; 3 jars containing a total of 12,450 *Private Formula capsules*; 4 drums, 12,500 tablets each, and 2 drums, containing a total of 57,750 tablets, of *KH #215 tablets*; 1 drum containing 19,500 *KH Special tablets*; and 3 drums containing a total of 31,500 *KH-RP 2 tablets*, at Oklahoma City, Okla., in possession of Kirk-Howard, Inc.

SHIPPED: Between 7-27-54 and 9-21-55, the article labeled "Special Formula Tablets Laxative No. 1" was shipped from Memphis, Tenn., by William A.