"The Court will therefore deny the motion for the convening of a three-judge court and will grant the motion of defendants for summary judgment."

Appropriate orders were entered by the court.

5319. Neu-Clear Therapy Electronic Condensator (2 seizure actions). (F. D. C. Nos. 39643, 39644. S. Nos. 19–508/9 M.)

QUANTITY: 2 devices and various accessories at Portsmouth and New Boston, Ohio.

SHIPPED: 12–12–55 and 1–1–56, from Detroit, Mich., by Colo Products, Inc.

LABEL IN PART: (Device) "Neu-Clear Therapy Electronic 'Condensator' Generating 'Fluid' Electricity."

ACCOMPANYING LABELING: Booklet entitled "Holder's Electronic High-Frequency Condensator Operating Instructions."

RESULTS OF INVESTIGATION: The device consisted of an electronic, high-voltage oscillator and a group of glass electrode applicators. The electrodes were gas-filled and produced a glow discharge during application. The radio frequencies emanating were of such low power and low frequency as to have negligible absorption in the body.

LIBELED: 10–23–56, S. Dist. Ohio.

CHARGE: 502 (a)—the labeling accompanying the device, when shipped, contained false and misleading representations that the device was effective for locating trouble areas and toxic conditions and for determining the seriousness of the conditions; for treating all body ailments, including ailments of the eyes, ears, throat, tonsils, teeth, face, heart, lungs, liver, gallbladder, kidney, pancreas, spleen, stomach, bowels, anus, rectum, breasts, ovaries, uterus, vagina, cervix, brain, and frontal sinus; and for treating abscess, anemia, arthritis, rheumatism, paralysis, hay fever, hemorrhoids, varicose veins, leg ulcers, multiple sclerosis, mucous colitis, malnutrition, pain, influenza, indigestion, head noises, and allergic conditions due to a large variety of products.

DISPOSITION: 11–30–56. Default—destruction.

DRUG FOR VETERINARY USE

5320. King Castle Complete Minerals. (F. D. C. No. 40080. S. No. 56–719 M.)

QUANTITY: 77 50-lb. bags at Lancaster, Wis.

SHIPPED: 2–21–56, from Marion, Iowa, by Marion Feed Center.

LABEL IN PART: (Bag) "King Castle Complete Mineral * * * 1,000,000 U. S. P. Units of Vitamin D_2 Packed in Each 100 Lbs."

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than 50 percent of the declared amount of vitamin D_2.

LIBELED: 4–12–57, W. Dist. Wis.

CHARGE: 501 (c)—the strength of the article, when shipped, differed from that which it purported and was represented to possess; and 502 (a)—the label statement "1,000,000 U. S. P. Units of Vitamin D_2 Packed in Each 100 Lbs." was false and misleading.

DISPOSITION: 5–9–57. Default—consumption by animals.

U. S. Department of Health, Education, and Welfare

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]

5321-5340

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve drugs and devices which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation and (2) criminal proceedings terminated with a plea of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 12, 1958.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS REPORTED IN D. D. N. J. NOS. 5321–5340

Adulteration, Section 501 (a) (2), the article had been held under insanitary conditions; Section 501 (b), the article purported to be and was represented as a drug, the name of which is recognized in an official compendium (National Formulary or United States Pharmacopeia), and its strength differed from, or its quality fell below, the standard set forth in such compendium; Section 501 (c), the article was not subject to the provisions of Section 501 (b), and its strength differed from, or its purity or quality fell below, that which it purported or was represented to possess.

Misbranding, Section 502 (a), the labeling of the article was false and misleading; Section 502 (d), the article contained a chemical derivative of barbituric acid, and its label failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming"; Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use; Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; Section 503 (b) (4), the label of the article bore the statement "Caution: Federal law prohibits dispensing without prescription," and it was a drug to which Section 503 (b) (1) did not apply.

DRUGS IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS

5321. Glandular preparations. (F. D. C. No. 36806. S. Nos. 88–806/21 L.)

QUANTITY: 32 boxes, 6 cartoned 1-cc. ampuls each, of *corpora lutea soluble extract;* 11 btls., 100 5-grain Emplets each, and 19 btls., 50 5-grain tablets each, of *corpora lutea desiccated;* 30 btls., 100 5-grain Emplets each, of *ovarian residue;* 28 1-oz. btls. of *ovarian substance desiccated;* 15 boxes, 12 cartoned 1-cc. ampuls each, of *ovarian substance soluble extract;* 111 btls., 100 5-grain Emplets each, and 44 btls., 100 5-grain tablets each, of *ovarian substance desiccated;* 27 btls., 100 1/10-grain Emplets each, and 16 btls., 100 1/10-grain tablets each, of *parathyroid gland desiccated;* 4 1-oz. btls. of *pituitary body anterior lobe desiccated* and 23 btls., 100 2½-grain Emplets each, 42 btls., 100 5-grain Emplets each, 9 btls., 100 2½-grain tablets each, and 20 btls., 100 5-grain tablets each, of *pituitary body anterior lobe desiccated;* 10 1-oz. btls., 40 btls., 100 1-grain Emplets each, and 13 btls., 100 1-grain tablets each, of *pituitary body whole gland desiccated*, at Chicago, Ill.

SHIPPED: Between 8–13–53 and 3–17–54, from Detroit, Mich., by Parke, Davis & Co.

LIBELED: 5–27–54, N. Dist. Ill.

CHARGE: (502) (f) (1)—the labeling of the articles, when shipped, failed to bear adequate directions for use; and 503 (b) (4)—all articles, except the 32-box lot of *corpora lutea soluble extract* and the 15-box lot of *ovarian substance soluble extract*, bore on their labels prior to dispensing the statement "Caution: Federal law prohibits dispensing without prescription," and such articles were drugs to which 503 (b) (1) did not apply.

DISPOSITION: 4–23–57. Upon the representation of the claimant, Parke, Davis & Co., that the intrinsic value of the article was negligible, and with the consent of the claimant and the Government that a decree might be entered pursuant