ration is a Diversified Firm"; testimonial letters signed "Mrs. Clara E. Rivenburg" or "Mrs. J. H. Hall" or "Mrs. Doris M. Massingill"; a letter dated June 4, 1955, reading in part "Sal Licata – By our latest telephone conversation"; a handwritten letter dated June 5, 1958, reading in part, "Dear Sal, They are printing at this time—"; and a handwritten note on Jackson Uranium Corp. order blank reading in part "May 29, 1958, Dear Sal, Kindly find enclosed pictorial page."

RESULTS OF INVESTIGATION: Examination showed that the Wonderglove was a cloth mitt-type, padded glove with an overall length of 11½ inches, and a width at widest point of 7¾ inches; that the Wonderpad was a cloth pillow, 11 inches by 7¾ inches by ½ inch thick; and that neither of the articles showed any detectable radioactivity when examined by Beta-Gamma Survey Meter Serial BG–3.

LIBELED: 6–23–58, W. Dist. N.Y.

CHARGE: 502(a)—the labeling of the articles, when shipped, contained false and misleading representations that the articles were an adequate and effective treatment for arthritis, rheumatism, and aches and pains.

DISPOSITION: 8–1–58. Default—delivered to the Food and Drug Administration.

DRUGS FOR VETERINARY USE

5779. Vetrodine. (F.D.C. No. 42152. S. No. 74–189 M.)

INFORMATION FILED: 8–1–58, N. Dist. Calif., against Vetrochem, a corporation, Berkeley, Calif., and Jay W. Chilton, president.

SHIPPED: 11–13–57, from California to Washington.

LABEL IN PART: (Can) "Net Contents 1 Lbs. VETRODINE An iodine medication for livestock only Each ounce contains: Betaine Hydrochloride—25 grains Inert material—q.s."

ACCOMPANYING LABELING: Folders designated "Vetro-Thiazine, Flukill, Vetrodine"; and leaflets designated "Suggested Dosages for Use in Manufactured Feed Mixes" and "Vetrodine."

CHARGE: 502(a)—the labeling of the article, when shipped, contained false and misleading representations that the article would be effective in the treatment and prevention in livestock of foot rot, abscess, lumpy jaw, necrotic stomatitis, calf diphtheria, respiratory infections and other chronic infections, that the article would aid in the treatment of subacute and chronic mastitis in livestock and of sterility in livestock.

PLEA: Guilty.

DISPOSITION: 10–9–58. Corporation fined $100; individual fined $100, which was suspended, and placed on probation for one year.

5780. Worm control preparation. (F.D.C. No. 41907. S. No. 35–342 P.)

QUANTITY: 84 1-qt. btls. at Quakertown, Pa.

SHIPPED: 4–14–58, from Nashville, Tenn., by Blue Ace.

LABEL IN PART: (Btl.) "Blue Ace * * * Poultry-Turkey-Broiler (large round) Worm Control Preparation * * * Active Ingredients—Combined Iodine 3% Nicotine 18% – Inert Ingredients 79% Blue Ace Nashville, Tennessee * * * Sines Hatchery Quakertown, Pa. National Distributors"; and (sticker label) "Simple directions for treating layers, turkeys and growing stock. Dilute 1 teaspoon of Blue Ace in quart of water then sprinkle on top of mash or pellets in hoppers. Treats 100 Birds Daily."

ACCOMPANYING LABELING: Leaflets entitled "Blue Ace."

RESULTS OF INVESTIGATION: The above-mentioned leaflets were printed at Nashville, Tenn., at the request of the shipper and sent directly to the dealer on or about January 29, 1958.

LIBELED: 7-2-58, E. Dist. Pa.

CHARGE: 502(a)—the labeling of the article, when shipped, contained false and misleading representations that the article, when used as directed, was an effective treatment for worms in poultry; that the worming of chickens would increase the hatchability of eggs; and that feeding of the article would increase egg size.

DISPOSITION: 8-6-58. Default—destruction.

INDEX TO NOTICES OF JUDGMENT D.D.N.J. NOS. 5741 TO 5780

PRODUCTS

[1] (5746) Prosecution contested.
[2] (5769) Injunction issued. Contains opinions of the courts.

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]

5781–5820

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 involved 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 in which decrees of condemnation were entered after default or consent; (2) criminal proceedings terminated upon pleas of guilty; and (3) a contempt proceeding for violation of an injunction which was terminated by a supplemental consent decree. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation; and the criminal and contempt 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.

CONTENTS*

*For omission of, or unsatisfactory, ingredient statements, see Nos. 5783, 5786, 5795; sale under name of another drug, No. 5783; failure to bear a label containing an accurate statement of the quantity of the contents, No. 5783; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 5815.

544578—60——1

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS REPORTED IN D.D.N.J. 5781–5820

Adulteration, Section 501(b), the article purported to be and was represented as a drug, the name of which is recognized in an official compendium (United States Pharmacopoeia), and its strength differed from, and its quality and purity 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; and Section 501(d)(2), the article was a drug, and a substance had been substituted wholly or in part therefor.

Misbranding, Section 502(a), the labeling of the article was false and misleading; Section 502(b), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; Section 502(d), the article contained a chemical derivative of codeine, and its label failed to bear the name, and quantity of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming"; Section 502(e), the article was a drug not designated solely by a name recognized in an official compendium, and its label failed to bear (1) the common or usual name of the drug; and (2) the drug was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient; Section 502(f), the labeling of the article failed to bear (1) adequate directions for use and (2) 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 of duration of administration or application, in such manner and form, as are necesssary for the protection of users; Section 502(g), the article purported to be a drug, the name of which is recognized in an official compendium (United States Pharmacopeia), and it was not packaged as prescribed therein; and Section 502(i)(3), the article was a drug offered for sale under the name of another drug.

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

5781. Hoxsey treatment for internal cancer. (Inj. No. 311.) Supplement to D.D.N.J. No. 5202.

PETITION FILED: On 10–6–58, a petition for an order to show cause in criminal contempt was filed in the Western District of Pennsylvania, against Hoxsey Cancer Clinic, a corporation, Portage, Pa., and John J. Haluska, Samuel J. Einhorn, John H. Benko, Harold F. Galbraith, A. A. Nelson, and Harry A. Stegman, incorporators, directors, and trustees of the clinic.

DISPOSITION: On 10–30–58, the following supplemental consent decree was entered:

MILLER, *District Judge:* "AND NOW, to wit, this 30th day of October, 1958, the United States of America having filed a petition for order to show cause why the defendants should not be punished for criminal contempt of this Court's permanent injunction, which became effective November 1, 1957, and the Court being convinced that the terms of this supplemental decree and the provisions thereof are necessary to effectuate the operation of this Court's orders and decrees, and the defendants having expressed to the Court a willingness to dissolve the corporation and to wind up its business of delivering medicine to persons at Portage, Pennsylvania, and having consented to this supplemental consent decree;

"It is ORDERED, ADJUDGED AND DECREED that the defendants shall dissolve the said corporation and on or before November 1, 1958 completely discontinue the operation of the Hoxsey Cancer Clinic at Portage, Pennsylvania; that the said defendants, and each of them, shall not after that date reopen the said clinic under the name of the Hoxsey Cancer Clinic or any other name for the treatment of any person or persons for cancer, and shall not assign, lease or sell the said clinic to any other persons or organization except with the approval of this court; that the decree entered October 2, 1957 shall continue in full force and effect; that defendants' failure to comply with this supplemental consent decree may be prosecuted as a criminal contempt, and that upon defendants' failure to comply with this supplemental consent decree the Court will immediately sign the order to show cause that is now pending and shall schedule the case for an early trial.

"The Food and Drug Administration is directed to report to the Court, not later than December 1, 1958, whether the defendants are in full compliance with this decree."

5782. Zina-Ray Oil, inhalers, and Ten Second Rub. (F.D.C. No. 42158. S. No. 24–906 P.)

INFORMATION FILED: 10–17–58, Dist. Minn., against William R. Hall, Minneapolis, Minn.; amended information filed, 11–17–58.

ALLEGED VIOLATION: On 1–23–58, at a public sales talk in Minneapolis, Minn., the defendant caused oral representations to be made holding the articles out to the public as a treatment for the diseases, symptoms, and conditions set forth below, which act resulted in the articles being misbranded while held for sale after shipment in interstate commerce.

LABEL IN PART: (Drug) "Zina-Ray Oil * * * Contains Eucalyptus Oil, Menthol, Pine Needle Oil, Peppermint Oil. Contents 3 Fl. Oz."; (device) "25¢ Inhaler 25¢"; (tube) "Ten Second Rub * * * Net Weight 3 fluid oz."

CHARGE: 502(f)(1)—the labeling of the articles failed to bear adequate directions for use in the treatment of the diseases, symptoms, and conditions for which the articles were intended, namely, (*Zina-Ray Oil* and *inhalers*) for preventing headaches, pain in the gums, neuralgia, deafness, arthritis, rheumatism, formation of crystal deposits in the bones, inflammation of the ear, pneumonia, "flu", and overcoming sinus infection and asthma; and (*Ten Second Rub*) for overcoming arthritis, rheumatism, and all aches and pains to which the body is subject.

PLEA: Guilty.

DISPOSITION: 1–26–59. $500 fine and sentence of 4 months in prison.

5783. Dasin C. S. capsules. (F.D.C. No. 41740. S. No. 79–505 M.)

INDICTMENT FILED: 7–31–58, E. Dist. N.Y., against Charles P. Greenberg, and Marvin Goldstein, partners in the partnership of Page Drugs, Bethpage, N.Y.

ALLEGED VIOLATIONS: On 10–19–57, while a number of *Dasin C. S. capsules* were being held for sale by the defendants after shipment in interstate commerce, the defendants caused to be dispensed, delivered, and sold to a customer, a number of such tablets in place of the Panalba capsules called for in the prescription which was presented by the customer to the defendants for filling. Such acts resulted in the *Dasin C. S. capsules* being adulterated and misbranded as described below.

CHARGE: 501(c)—the strength of the article differed from that which it purported and was represented to possess; 501(d)(2)—*Dasin C. S. capsules* had been substituted for Panalba capsules; 502(a)—the statement on the vial label of the article contained false and misleading representations and suggestions