

DISPOSITION: 2-13-62. Consent—delivered to a public institution for use as animal feed.

7041. Medicated swine concentrate. (F.D.C. No. 46802. S. No. 28-215 T.)

QUANTITY: 42 3½-lb. cans at Abilene, Kans.

SHIPPED: On or about June 1960, from Des Moines, Iowa.

LABEL IN PART: "Medicated Swine Concentrate Dihydrostreptomycin-Penicillin-Vitamins \* \* \* Dihydrostreptomycin base (as sulfate) 3 grams per pound."

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than the declared amount of dihydrostreptomycin.

LIBELED: 12-22-61, Dist. Kans.

CHARGE: 501(c)—while held for sale, the strength of the article differed from that which it purported to possess.

DISPOSITION: 2-7-62. Default—destruction.

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

### DRUGS AND DEVICES FOR HUMAN USE\*

7042. Imitation drugs. (F.D.C. No. 46376. S. Nos. 1-549/55 T.)

INFORMATION FILED: 9-1-61, N. Dist. Ga., against McKinney's Apothecary, a partnership, Decatur, Ga., and William W. McKinney and John Lewis Pledger, partners.

ALLEGED VIOLATION: Between November 1957 and 3-30-61, while quantities of imitation tablets of *Diuril*, *Dexedrine Sulfate* and *Dexamyl* were being held for sale after shipment in interstate commerce, the defendants caused such tablets to be repacked into bottles, which act resulted in such tablets being misbranded.

CHARGE: 502(a)—while held for sale, the label statements on the repack bottles "Tablets Diuril," "Dexedrine," and "Dexamyl" were false and misleading as applied to drugs which consisted of imitations of *Diuril*, *Dexedrine Sulfate*, and *Dexamyl*; 502(i) (2)—the articles were imitations of other drugs, namely, *Diuril*, *Dexedrine Sulfate*, and *Dexamyl*; 502(i) (3)—the articles were offered for sale under the names of other drugs, namely, *Diuril*, *Dexedrine Sulfate*, and *Dexamyl*.

DISPOSITION: 11-8-61. Partnership—\$3,000 fine. Each partner—sentences of 1 year in prison suspended and probation for 3 years.

7043. Herbs. (F.D.C. No. 46207. S. Nos. 20-533/43 R.)

QUANTITY: 5 6-oz. pkgs. and 7 3-oz. boxes of *laxative herbs*; 1 15-lb. container and 3 6-oz. pkgs. of *Herbs No. 7*; 1 10-lb. container, 3 3-oz. pkgs., and 2 6-oz. pkgs. of *Herbs No. 28*; 1 10-lb. container, 4 3-oz. pkgs., and 5 6-oz. pkgs. of *Herbs No. 26*; 1 15-lb. container, 1 3-oz. pkg., and 4 6-oz. pkgs. of *Herbs No. 27*; 50 lbs. of anise seed; 50 lbs. of catnip; 100 lbs. of fennel seed; 2 75-lb. drums of peppermint leaves; 1 50-lb. drum of cascara; 1 35-lb. drum of cheeseplant; 50 lbs. of red clover tops; 100 lbs. of licorice root; 30 lbs. of American licorice; 15 lbs. of juniper berries; 75 lbs. of berberis root;

\*See also Nos. 7004, 7007-7010, 7013, 7014, 7020, 7022, 7024-7029, 7032-7036.