

450. Misbranding of National Peerless Remedy. U. S. v. 23 Bottles of National Peerless Remedy. Default decree of condemnation and destruction. (F. D. C. No. 3512. Sample No. 50103-E.)

The label of this product not only failed to bear adequate directions and warning statements but also the common or usual name of each of the active ingredients, which included extracts of plant drugs including aloë.

On December 13, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 23 bottles of National Peerless Remedy at Chambersburg, Pa., alleging that the article had been shipped by the National Pharmaceutical Manufacturing Co. from Baltimore, Md., on or about June 20, 1940; and charging that it was misbranded.

It was alleged to be misbranded (1) in that the label failed to bear adequate directions for use; (2) in that the label failed to bear adequate warnings against use in those pathological conditions where its use might be dangerous to health or against unsafe dosage or duration of administration in such manner and form as are necessary for the protection of users; and (3) in that the label failed to bear the common or usual name of each active ingredient.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

451. Misbranding of O'D Easy lax. U. S. v. 2 Gross Packages of O'D Easy lax. Default decree of condemnation and destruction. (F. D. C. No. 3650. Sample No. 50056-E.)

In addition to failure to bear adequate warnings, the label of this product bore false and misleading therapeutic claims. It also failed to bear the required ingredient statement with the quantity or proportion of strychnine present; a statement of the quantity of contents; and the complete address of the manufacturer, packer, or distributor. Furthermore, the carton container was much taller than was necessary to hold its contents.

On January 9, 1941, the United States attorney for the District of Columbia filed a libel against 2 gross packages of O'D Easy lax at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia at Washington Wholesale Drug Exchange, Washington, D. C.; and charging that it was misbranded. It was labeled in part: "O'D Easy lax * * * Liberty Drug Co. Washington, D. C."

Analysis of a sample of the article showed that it consisted essentially of phenolphthalein, aloin, strychnine, talc, and calcium carbonate together with a green coloring material.

It was alleged to be misbranded (1) in that labeling failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application; (2) in that the following statements appearing on the label were false and misleading since it was not efficacious for the purposes recommended: (Carton) "They work naturally and form no habit * * * A Home Remedy for Indigestion Torpid Liver Chronic Constipation," and (bottle label) "They work naturally and form no habit. For Indigestion"; (3) in that the label did not bear the common or usual names of the active ingredients and a statement of the quantity or proportion of strychnine that it contained; (4) in that the carton and bottle label failed to bear the address of the manufacturer, packer, or distributor; (5) in that the bottle label failed to bear a statement of the quantity of contents; and (6) in that the container was so made, formed, or filled as to be misleading.

On February 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

452. Misbranding of Prunlax. U. S. v. 236 Bottles of Prunlax. Default decree of condemnation and destruction. (F. D. C. No. 3960. Sample No. 57020-E.)

On March 12, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 31 12-fluid-ounce, 131 5-fluid-ounce, and 74 sample-sized packages of Prunlax at St. Louis, Mo., alleging that the article had been shipped by Adams Laboratories, Inc., from St. Louis, Mo., to Cleveland, Miss., on or about October 11, 1940, and that it had been shipped from Cleveland to St. Louis on or about October 14, 1940; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant materials including laxative plant drugs, sugar, glycerin, flavoring materials, and water, preserved with salicylic acid.