Muscular Soreness," (massage attachment) "Electreat * * * Relieves Pain," were false and misleading in that the said statements represented that the device would be efficacious for the purposes recommended; whereas it would not be efficacious for such purposes.

On April 4, 17, and 28, and May 7 and 17, 1941, no claimant having appeared for the lots seized at Bristol, Pa.; Washington, D. C.; San Angelo, Tex.; Lima, Ohio; and Boise, Idaho, judgments of condemnation were entered and the product was ordered destroyed.

On September 13, 1941, Mrs. E. C. Jones, claimant for the lot seized at Pasadena, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. This lot was relabeled.

DRUGS ALSO FAILING TO BEAR THE REQUIRED INGREDIENT STATEMENT [4]

520. Misbranding of Sto-Bo-Ki and McClintock's Formula for Diabetes. U. S. v. Robert McClintock. Plea of guilty. Fine, $120; sentence of 1 year and 1 day's imprisonment. Sentence suspended and defendant placed on probation for 3 years. (F. D. C. No. 2884. Sample Nos. 4197-E, 16805-E.)

On December 31, 1940, the United States attorney for the Eastern District of Michigan filed an information against Robert McClintock, Ann Arbor, Mich., alleging shipment from the State of Michigan on or about March 21 and May 24, 1940, into the States of Illinois and Kansas of a quantity of Sto-Bo-Ki and McClintock's Formula for Diabetes that were misbranded.

Analyses of samples of the articles showed that Sto-Bo-Ki consisted essentially of sulfuric acid, alcohol (77.5 percent by volume), and water flavored with aromatics; and that McClintock's Formula for Diabetes consisted essentially of sulfuric acid, alcohol (75.05 percent by volume), and water flavored with cinnamon oil.

Sto-Bo-Ki was alleged to be misbranded in that the statements "The Digestive Remedy * * * Use it only until ailment ceases" were false and misleading since it was not efficacious as a digestive remedy and its use would not cause cessation of digestive ailments.

McClintock's Formula for Diabetes was alleged to be misbranded in that the statement "Formula for Diabetes," borne on the bottle label, was false and misleading since it was not efficacious as a treatment for diabetes.

Both products were alleged to be misbranded further (1) in that the statement (bottle label) "Reg. With U. S. Food and Drug Administration" was false and misleading since they were not registered with the United States Food and Drug Administration; and (2) in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of the active ingredient, sulfuric acid, nor the quantity, kind, and proportion of alcohol that they contained.

On May 16, 1941, a plea of guilty was entered by the defendant and the court imposed a fine of $120 and a jail sentence of 1 year and 1 day. The jail sentence was suspended and the defendant was placed on probation for 3 years.

521. Adulteration and misbranding of Dr. Senftner's Glucocinine. U. S. v. 27 Boxes and 12 Boxes of Dr. Senftner's Glucocinine. Default decree of condemnation ordering product delivered to Food and Drug Administration for technical use. (F. D. C. No. 4009. Sample Nos. 31575-E, 31576-E.)

On March 21, 1941, the United States attorney for the Eastern District of Michigan filed a libel against the above-named product at Detroit, Mich., alleging that it had been shipped by the Glucocinine Co. of America from Richmond Hill, N. Y., on or about January 20 and 30, 1941; and charging that it was adulterated and misbranded.

Annalysis of a sample of the article showed that it consisted essentially of powdered plant tissues including potato strach.

It was alleged to be adulterated in that its strength differed from, or its purity or quality fell below, that which it purported or was represented to possess, namely: (Carton label) "Ingredients—Plant Insulin substances," (circular entitled "Glucocinine") "(Vegetable Insulin)" and "(Plant Insulin)," and (circular entitled "Glucocinine in Diabetes Mellitus") "Glucocinines are extracted by a special process. The resulting preparation is * * * free from carbohydrates."

[4] Except Nos. 534 and 536. See also Nos. 429, 430, 433-437, 439, 440, 442-444, 446, 450-453, 485.

It was alleged to be misbranded: (1) In that the statements (carton label) "Ingredients—Plant Insulin substances," and (circular entitled "Glucocinine") "(Vegetable Insulin)" and "(Plant Insulin)," were false and misleading. (2) In that representations in the labeling that it was a "plant insulin" which would be efficacious when administered orally in the treatment of diabetes mellitus, that it was "An answer to the intelligent diabetic's prayer," that it was "positively unsurpassed," and that it would help to stimulate the pancreas gland to produce insulin of its own, were false and misleading since it would not be efficacious for the purposes recommended. (3) In that its label failed to bear the common or usual name of each of the active ingredients.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for technical purposes.

522. Misbranding of Chase Formula. U. S. v. 4 Gross Packages of Chase Formula. Default decree of condemnation and destruction. (F. D. C. No. 3606. Sample No. 37219–E.)

The label of this product not only contained false and misleading therapeutic claims, but it failed to list the active ingredients in the manner prescribed by law and it failed to bear an accurate statement of the amount of alcohol present.

On January 2, 1941, the United States attorney for the Southern District of Florida filed a libel against 4 gross packages of Chase Formula at Miami, Fla., alleging that the article had been shipped by the Chase Laboratory from Detroit, Mich., on or about October 15, 1940; and charging that it was misbranded.

Examination of a sample showed that the article consisted essentially of a fatty oil (approximately 16 percent), oleic acid (approximately 5 percent), mineral oil (approximately 2 percent), alcohol (by volume 17.8 percent), a small proportion of triethanolamine, and water.

The article was alleged to be misbranded in that statements in the labeling that it was efficacious for the treatment of athlete's foot, impetigo, Florida sores, poison ivy, body lice, many types of eczema and skin afflictions caused by external infection; that it would relieve itching and burning of hives and shingles; that it was efficacious in the treatment of muck itch, mango poisoning, and other skin afflictions including many types of eczema, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further (1) in that the statement in the circular "Chase Formula is greaseless" was false and misleading; (2) in that the list of its active ingredients was not placed prominently on the label with such conspicuousness (as compared with other words and statements in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and (3) in that the package failed to bear a statement of the quantity or proportion of alcohol contained in the preparation since the statement on the carton and jar label. "denatured alcohol (25%)," was incorrect.

On January 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

523. Misbranding of Savol and Savol Cream. U. S. v. 39 Packages of Savol and 20 Packages of Savol Cream. Default decrees of condemnation and destruction. (F. D. C. Nos. 3648, 3649. Sample Nos. 19670–E, 19671–E.)

The labels of both of these products, in addition to bearing false and misleading therapeutic claims, also failed to bear the required ingredient and quantity of contents statements. Furthermore, the bottles holding the Savol solution were packed in unnecessarily large cartons.

On January 9, 1941, the United States attorney for the Western District of New York filed libels against the above-named products at Buffalo, N. Y., alleging that they had been shipped by the Savol Chemical Co. from Mercer, Pa., on or about September 3 and October 1 and 30, 1940; and charging that they were misbranded.

Analyses of samples showed that Savol consisted essentially of cresols, alkali soaps, a small amount of phenol, and water; and that Savol Cream consisted essentially of zinc oxide, barium sulfate, and petrolatum, together with perfume materials. Bacteriological examination showed that Savol Cream was not antiseptic.