

On January 13, 1942, the United States attorney for the District of Oregon filed a libel against 115 ¼-ounce packages of Wemett's Salve at Portland, Oreg., alleging that the article had been shipped on or about August 28 and October 1, 1941, by F. J. Wemett from Los Angeles, Calif.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed, or delivered to a charitable institution.

### NONSTERILE SURGICAL DRESSINGS

**698. Adulteration and misbranding of sutures. U. S. v. 32 Packages of Sutures. Default decree of condemnation and destruction. (F. D. C. No. 6762. Sample No. 71511-E.)**

On January 26, 1942, the United States attorney for the Southern District of Iowa filed a libel against the above-named product at Des Moines, Iowa, alleging that it had been shipped on or about September 17, 1941, by Davis Sutures, Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, but its purity fell below the standard set forth in the pharmacopoeia since it was not sterile. It was alleged to be misbranded in that the statement in the labeling, "Guaranty Davis Sutures are guaranteed to be sterile," was false and misleading since it was not sterile but was contaminated with viable aerobic and anaerobic or facultative anaerobic micro-organisms, including spore-bearing and gas-producing micro-organisms.

On February 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**699. Misbranding of finger compresses. U. S. v. 1,344 Packages of Quick Strips Finger Compresses. Default decree of condemnation and destruction. (F. D. C. No. 6901. Sample Nos. 92009-E, 92010-E.)**

On February 20, 1942, the United States attorney for the Southern District of California filed a libel against the above-named product at Los Angeles, Calif., alleging that it had been shipped on or about January 23, 1942, by the Quick Manufacturing Co. from Chicago, Ill.; and charging that it was misbranded.

The article was alleged to be misbranded in that designs showing application of the strips to the finger and the statements, "Place Medicated Pad over Injury," "Press Edges Together," "Wrap Around Finger," and "Medicated With Boric Acid or Iodochrome," were misleading when applied to a bandage which was contaminated with viable micro-organisms; and in that such designs and statements suggested that it would be suitable for first aid purposes; whereas it was not.

On March 19, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**700. Adulteration and misbranding of Hill's Swabbed Applicators with Tongue Blade. U. S. v. 76 Cartons of Hill's Swabbed Applicators with Tongue Blade. (F. D. C. No. 6849. Sample No. 70098-E.)**

On or about March 2, 1942, the United States attorney for the Southern District of Florida filed a libel against 76 cartons of the above-named product at Jacksonville, Fla., alleging that it had been shipped on or about November 27, 1941, by the Wetmore-Century Corporation from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its purity and quality fell below that which it purported or was represented to possess, namely, (glassine envelope) "sterilized," since it was not sterile but was contaminated with aerobic, anaerobic, or facultative anaerobic micro-organisms.

It was alleged to be misbranded in that the following statements in the labeling, (envelope) "Sterilized Applicators \* \* \* Sterilized After Packing," and (carton) "The Modern Way of Treating sore throats, cuts, wounds, ear and nose ailments. The Ideal Way of safeguarding your health \* \* \* For eye, ear and nose treatment \* \* \* especially useful to mothers treating infants \* \* \* specially made for Throat Treatment," were false and misleading when applied to an article that was not sterile but was contaminated with viable micro-organisms.

On March 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 656-700**

**PRODUCTS**

	N. J. No.		N. J. No.
Acetylsalicylic acid and colchicine compound capsules	660	Kamala Compound No. 1 Tablets	676
Anthelmintic tablets	676	Lash's Bitters	689
Barkolyn	663	Life Line Tonic	688
Beacon's Cam-Pho-Spray, Chexal, Fowl-Ade, Poultry Liquid, Stokade, and Swinade	694	Magnesium carbonate	674
Bevimin	680	Marespy Tablets	676
Bosak's Horke Vino	664	Marnecro Concentrate	676
Cal-Par	677	Nichol's Long Life for Health	661
Camphor liniment	676	Norwich Laxative Cold Tablets	667
Castoria	682	No. 48511-C Tablets	659
Caulk Mercitan Lotion	696	Oxygen and carbon dioxide mixture	675
Chloroform	673	Pinee	668
Cold tablets	659, 667	Pur-Erb Tonic No. 1. See SMH Pur-Erb Compound No. 1.	
Compresses, finger	699	Reducing preparations and devices	677, 684, 692
Coreco Vitamins A-B <sub>1</sub> -G-D Capsules	681	Savol Cream	687
Cotton swabs	700	S. G. M. a (Oral)	671
Crompton's Liniment	682	Sixty Minute Worm Expeller	685
Daigneault's Eau de Quinine Hair Tonic	679	SMH Pur-Erb Compound No. 1	662
Dickson's Laxative Diuretic	661	Special Formula Tablets	669
Digitalis, tincture of	678	Special S. C. White Pills Rx 2609	670
Formula A-1	695	Sterile Solution Formula No. 3	671
Fowl Enteric Tablets	676	Sulfathiazole tablets	656
Goodwin's Laxative Cold Tablets	659	Surgical dressings	698-700
Gordshell's Dr., Salve	686	Sutures	698
Grover Graham Remedy	665	Todd's Capsules	690
Hair and scalp remedies	679, 693	Tu-Way Massagers	692
"Helena" Pur-Erb Special No. 3	662	Ultrasol	693
Herb Doctor Compound	666	Venus Tablets	684
Hi-V Vitamins Capsules	691	Veterinary remedies	676, 685, 694, 695
Hill's Swabbed Applicators with Tongue Blades	700	Vitamin preparations	681, 691
Individual Quinine Hair Treatment	679	Voltamp Battery No. 7	658
Interferin	657	Waft-Surgical	688
		Wemett's Salve	697
		Zerbst's Capsules	672

**SHIPPERS AND MANUFACTURERS**

	N. J. No.		N. J. No.
Arner Co., Inc.:		Gordshell Chemical Co.:	
Special Formula Tablets	669	Gordshell's, Dr., Salve	686
Arnold, Edw. W., Co.:		Graham, Grover S., Co., Inc.:	
Tu-Way Massagers	692	Grover Graham Remedy	665
Beacon Laboratories:		Herbal Health Products:	
Beacon's veterinary remedies	694	"Helena" Pur-Erb Special No. 3	662
Burfeind, R. G. See Chemical Products Co.		Hi-V Vitamin Corporation:	
Burns, J. Walker, & Co.:		Hi-V Vitamins	691
Zerbst's Capsules	672	Home Treatment Service:	
Caulk, L. D., Co.:		"Helena" Pur-Erb Special No. 3 and SMH Pur-Erb Compound No. 1	661
Caulk Mercitan Lotion	696	Hood Products Corporation:	
Chemical Products Co.:		Cal-Par	677
Sixty Minute Worm Expeller	685	International Vitamin Corporation:	
City Chemical Corporation:		Coreco Vitamins A-B <sub>1</sub> -G-D Capsules	681
chloroform	673	Keefer Laboratories:	
magnesium carbonate	674	Interferin	657
Crompton, George. See Crompton, Charles, & Sons, Inc.		Kori, J. B. See United States Remedy Co.	
Crompton, Charles, & Sons, Inc.:		Lash, Inc.:	
Castoria and Crompton's Liniment	682	Lash's Bitters	689
Daigneault, Joseph:		Loeser Laboratory, Inc.:	
Daigneault's Eau De Quinine Hair Tonic and Quinine Hair Treatment	679	Bevimin	680
Davis Sutures, Inc.:		Marrinan Supply Co., Inc.:	
sutures	698	anthelmintic tablets and other veterinary remedies	676
Dietz, Charles H., Inc.:		Nichols Chemical Co. See Nichols, J. B.	
Special S. C. White Pills Rx 2609	670	Nichols, J. B.:	
Federal Cosmetic Sales Corporation:		Dickson's Laxative Diuretic and Nichol's Long Life for Health	661
Waft-Surgical	688	Nichols, J. B. & Co. See Nichols, J. B.	
Gold Seal Manufacturing Co.:			
Bosak's Horke Vino	664		

*W*

# FEDERAL SECURITY AGENCY

## 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]

701-750

#### DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., February 12, 1948.

#### CONTENTS

	Page		Page
Drugs actionable because of potential danger when used according to directions.....	375	Drugs and devices actionable because of false and misleading statements in the labeling.....	387
Drugs actionable because of failure to bear adequate directions or warning statements.....	377	Veterinary remedies.....	398
Drugs actionable because of failure to comply with official or own standards.....	383	Nonsterile surgical dressings.....	399
		Prophylactics.....	400
		Index.....	400

#### DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

**701. Action to restrain interstate shipment of Alcoban, a misbranded drug. U. S. v. Maffett Sales Corporation, Frank L. Wilson, Nell B. Wilson, and Reuel K. Yount. Temporary restraining order entered. Default order granting permanent injunction. (Inj. No. 17.)**

On October 20, 1941, the United States attorney for the Western District of Washington filed a complaint against the Maffett Sales Corporation and Frank L. Wilson, Nell B. Wilson, and Reuel K. Yount, Seattle, Wash., alleging that the defendants for many years past, had been engaged in the sale and distribution of an article of drugs called Alcoban; that the article was sold by the defendants in cartons which bore the printed statement, "An Aid in Curbing the Liquor Habit," and was accompanied by a circular which contained, among others, the representation that it was an aid in curing the liquor habit, and directions that the contents of 1 capsule should be given every 15 to 20 minutes until 3 capsules were taken; that, if vomiting occurred, this should be regarded as a proper dosage; that, if no vomiting occurred on the 1-capsule per drink basis, the dosage should be doubled, and if vomiting then occurred this should be considered the correct dosage; and that, if no vomiting occurred after the consumption of three single-dose drinks and two double-dose drinks, the treatment should be discontinued. The complaint alleged further that the statements in the labeling were false and misleading since the article did not constitute an appropriate remedy for the purposes stated and recommended; that the use and administration of the drug in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling was dangerous to health, and that consequently the product was misbranded. The complaint alleged further that

the defendants at that time were introducing and delivering the said drug for introduction into interstate commerce and prayed that judgment and decree be entered permanently restraining and enjoining them and all acting upon their behalf from continuing to do so; and prayed that a preliminary injunction be granted restraining the defendants during the pendency of the action.

On November 10, 1941, the court granted a temporary restraining order in accordance with the prayer of the complaint. On June 9, 1942, the defendants then being in default, judgment was entered permanently and forever enjoining and restraining them from directly or indirectly introducing or delivering for introduction said drug into interstate commerce.

**702. Misbranding of Lambert's Powders. U. S. v. Claude M. Stanley (Stanley Drug Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 4161. Sample No. 38881-E.)**

This product when used according to directions on the label, would be dangerous to health, the label failed to bear adequate warning statements, and it also contained false and misleading claims.

On November 10, 1941, the United States attorney for the District of Minnesota filed an information against Claude M. Stanley, trading as the Stanley Drug Co. at Minneapolis, Minn., alleging shipment on or about July 19, 1940, from the State of Minnesota into the State of Wisconsin of a quantity of Lambert's Powders that were misbranded.

Analysis of a sample of the article showed that each powder contained acetanilid ( $2\frac{1}{2}$  grains), aspirin (5 grains), and salol ( $2\frac{1}{2}$  grains).

The article was alleged to be misbranded: (1) In that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, i. e., "Directions \* \* \* Adult Dose: One before each meal and one at bedtime." (2) In that its labeling failed to bear adequate warnings against use by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users since each powder contained approximately  $2\frac{1}{2}$  grains of acetanilid, and the labeling did not bear a warning that frequent or continuous use might cause serious blood disturbances, anemia, collapse, or a dependence on the drug; and that it should not be given to children. (3) In that the statement (carton) "muscular aches and body pains, lumbago," was false and misleading since it represented that the drug was efficacious in the treatment of muscular aches, body pains, and lumbago; whereas it was not efficacious for such purposes.

On March 3, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$50.

**703. Misbranding of a.m. Solution. U. S. v. 7½ Dozen Packages of a.m. Solution. Default decree of condemnation and destruction. (F. D. C. No. 6839. Sample No. 79171-E.)**

This product contained chrysarobin and would be dangerous to health when used according to directions. Its label also contained false and misleading therapeutic claims.

On February 13, 1942, the United States attorney for the Middle District of Tennessee filed a libel against the above-named product at Nashville, Tenn., alleging that it had been shipped on or about November 13, 1941, and January 14, 1942, by the Kenton Pharmacal Co., Inc., from Covington, Ky.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of chrysarobin (approximately 0.66 grain per fluid ounce), salicylic acid, benzoic acid, alcohol, and a volatile oil.

The article was alleged to be misbranded: (1) In that it was dangerous to health when used in the dosage or with the frequency or duration prescribed or recommended in the labeling. (2) In that the following statements, "For the relief of itching and discomfort of Athlete's Foot (Dermatophytosis), Ringworm, Insect Bites, Impetigo, externally caused Eczema, Rashes and Pimples, and other forms of local skin irritations," were false and misleading since they represented and suggested that when used as directed it constituted a safe and efficacious treatment for the relief of the itching torment and discomfort of athlete's foot and other skin irritations named above; whereas it was not safe when used as directed and was not an efficacious treatment for such conditions.

On April 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.